IN THE MATTER OF THE THE APPLICATION OF FOR A ZONING RECLASSIFICATION FROM R.C. 2 TO R.C. 5 ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF FREELAND ROAD, 2320' NORTHEAST OF MIDDLETOWN ROAD (5.883 acres) \*

6TH ELECTION DISTRICT

3rd COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS

BALTIMORE COUNTY CASE NO. R-90-172 Item #3, Cycle II 9

OPINION

Once again, this Board is called upc. . o consider the problems faced by Mr. Thomas Graziano in his attempt to obtain a building permit for a 6-acre tract deeded to him via the will of Mrs. Lizetta Bedgar. The history of the events associated with this case are well-documented in the Opinion and Order of the Baltimore County Board of Appeal , Case No. 87-478-SPH, and the Opinion and Order dated November 16, 1988, by Dana M. Levitz, Judge, Circuit Court for Baltimore County. This case comes before the Board this time on a Petition for Reclassification from R.C. 2 to R.C. 5 for the subject site.

It is well-documented that it was Mrs. Bedgar's wish that Mr. Graziano receive this parcel of the 22-acre tract upon her death which occurred in 1981. However, in 1979, the R.C. 2 zoning took effect, and the R.C. 2 zoning does not permit the construction of the third residence on this 22-acre parcel, and has been so ruled in the Circuit Court for Baltimore County. Mr. Graziano's efforts to be allowed to build on this parcel now depend upon his obtaining a reclassification from R.C. 2 to R.C. 5 which would allow this building permit to be issued.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS

::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-

Phyllis Cole Friedman

Peter Max Zimmerman

Deputy People's Counsel

111 W. Chesapeake Avenue

Towson, Maryland 21204

(301) 887-2188

I HERESY CERTIFY that on this 17th day of October, 1989, a copy of

Peter Haz Zimmerman

the foregoing Entry of Appearance was mailed to Jeffrey H. Gray, Esquire,

17000 York Rd., P. O. Box 51, Monkton, MD 21111-0051.

Room 304, County Office Building

May Zamena

captioned matter. Notices should be sent of any hearing dates or other

proceedings in this matter and of the passage of any preliminary or

OF BALTIMORE COUNTY

Zoning Case No. R-90-172

Thyllie Cole Friedman

People's Counsel for Baltimore County

FROM R.C. 2 TO R.C. 5 ZONE

of Middletown Rd.

Petitioners

final Order.

6th Election District

3rd Councilmanic District

NW/S Freeland Rd., 2,320' NE

THOMAS J. & FREEDA Z. GRAZIANO,

Thomas J. Graziano, et ux Case No. R-90-172

A REV

In March of 1990, a hearing was scheduled for Mr. Graziano's petition to reclassify from R.C. 2 to R.C. 5. Mr. Graziano at this time elected to submit a documented site plan rather than an envelope plan, and the case was continued to allow this documented site plan to be considered by the Planning Board. On May 3, 1990, having reviewed the documented site plan, the Planning Board recommended the granting of the R.C. 5. What is interesting to this Board is that the Planning Board has elicited from Mr. Graziano a promise that, if his R.C. 5 is granted and a building permit issued, in the 1992 Comprehensive Mar Process, he will reque t that his property be once again reclassified to R.C. 2 so that the map process will not indicate a single R.C. 5 parcel in what is almost exclusively an R.C. 2 area. The Board is well aware that it does not have the authority to grant conditional rezoning. However, should Mr. Gresiano for any reason whatsoever not fulfill his promise to request this change in the 1992 Comprehensive Map Process, the County Council can raise the issue on its own initiative.

The Board is of the opinion that, under these conditions, i.e., the documented site plan, the intent evidenced by the will, and the promises of Mr. Graziano to the Planning Board, the R.C. 5 zoning should be granted. The Board is of the opinion that, when the comprehensive map process took place, Case No. 87-478-SPH was still pending and indicated that, under the existing circumstances, the R.C. 2 zoning was in error. The Circuit Court Order reversing the decision in Case No. 87-478-SPH was not issued Thomas J. Graziano, et ux Case No. R-90-172

until November of 1988, after the completion of the comprehensive map process. For all of these reasons, the Board is of the opinion that the reclassification of the Graziano site from R.C. 2 to R.C. 5 should be granted.

ORDER

IT IS THEREFORE this 25th day of July , 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification in Case No. R-90-172 from R.C. 2 to R.C. 5 be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

OF BALTIMORE COUNTY

COUNTY BOARD OF APPEALS

County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204 (301) 887-3180

July 25, 1990

Jeffrey H. Gray, Esquire 17000 York Road P.O. Box 51 Monkton, MD 21111-0051

> RE: Case No. R-90-172 Thomas J. Graziano, et ux

Dear Mr. Gray:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer Administrative Assistant

Enclosure

cc: Mr. & Mrs. Thomas J. Graziano Mr. James Earl Kraft People's Counsel for Baltimore County P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer W. Carl Richards, Jr. Docket Clerk - Zoning Arnold Jablon, County Attorney

Item 3, Cycle II

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY: R-90-172 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an RC-2 zone to an RC-5 zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, rosting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Contract Purchaser:	Legal Owner(s):
	Thomas J. Graziano
(Type or Print Name)	(Type or Print Name)
	Thomas & Draying
Signature	Signature
	Freeda Z Graziano
Address	(Type of Print Name)
	Freeda Z Strayavo
City and State	Signature
Attorney for Petitioner:	
Jeffrey H. Gvay	21612 New Freedom Road
(Type or Print Name)	Address Phone No.
Sichare Afray	Freeland, Maryland 21053 City and State
Midnes York Road, P.O. Box-51-	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
Monkton, Maryland 21111-0051	Thomas-Jy-Graziano Name
Attorney's Telephone No.: 322-2104	21612 New Freedom Road
VIRGINA & LESEBBODE MOT AVETVENTATION	Preeland, Maryland 21053

Petitioner, Thomas Graziano, was the foster son of Lizetta M. Bedgar, deceased. He is currently undergoing radiation and chemotherapy treatments for cancer. Petitioner, Freeda Z. Graziano, is the wife of Thomas Graziano and is now contemplating early retirement due to a number of reasons, the most important of which is her husband's medical condition. The difficulty in this case arises as a result of a good faith misinterpretation of the exemptions from subdivision requirements: afforded testamentary conveyances such as the one which lead to the formation of this property.

Petitioner requests reclassification for the following reasons: The present property has a zoning history more completely described in case No 87-478-SPH wherein Petitioner sought relief in a special hearing permitting residential use of the subject property which was initially established through a testamentary conveyance. Petitioners were denied relief requested by the zoning commissioner and appealed. Petitioners were awarded relief before the Boared of Appeals but the Boared was subsequently reversed by the Bonorable Dana M. Levitz in a case before the Circuit Court for Baltimore County, case No. 88CG-1510. Petitioner alleges error in the map reclassification for the following reasons:

Throughout the entire process decribed above, Petitioners had also actively pursued reclassification of the parcel through the Comprehensive Zoning Map process. Subsequent to the Board of Appeals action, the reclassification sought on the comprehensive map process was not recommended becauses Petitioners believe and therefore aver that the Councilman and Planning Board refied on the Board of Appeals ruling permitting Petitioners to build a single family residence on the subject property without the need for reclassification through the comprehensive map process thereby rendering Petitioner's request moot. Petitioners believe that under the circumstances of their case, had the Board of Appeals not ruled in their favor the Planning Board and Councilman would have recommended the reclassification sought. Petitioners have elected to file on an open site plan because it appears that the property will have to be sold to cover medical expenses. However, they do agee to be bound by the limitations and restrictions set forth in the prior opinion and Order of March 4, 1988 in case No. 87-478-SPH.

This Petition is being filed under the provisions of the Baltimore County Code Section 2-58.1 and if necessary with a request that the Planning Board certify to the County Council that early action upon this Petition is manifestly required in the public interest or because of emergency.

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204

823-4470

Zoning Description

All that piece or parcel of land situate, lying and being in the Sixth Election District of Baltimore County, State of Maryland and described as follows to wit:

Feginning for the same at a point situate on the northwest side of Preeland Road, said point being distant 2320 feet measured northeasterly along Freeland Road from the intersection of Freeland Road and Middletown Road and muning thence and binding on the northwest side of Preeland Road, the two collowing lines viz: Northwesterly by a line curving to the left having a radius of 1000 feet for an arc distance of 45.28 feet and North 5, degrees 11 minutes 05 seconds East 289.36 feet, thence leaving said Road and running the five follow-ing courses and distances viz: North 36 degrees 39 minutes 25 seconds West 529.05 feet, North 52 degrees 06 minutes 53 seconds West 186.43
feet, North 55 degrees 00 minutes West 61.35 feet, South 65 degrees
12 minutes 59 seconds west 258.86 feet and South 31 degrees 08 minutes 40 seconds East 800.95 feet to the place of beginning.

Containing 5.883 Acres of land more or less.



690CT 17 LIE: 2. e de la composition della comp

... 17 · 57

8 November, 1989 / Northwest STAR & Page 18 ct 1980

Dennis F. Rasmussen

Capy of Ad ran in Northwest Star on 11-8-89.

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF WILLIAM HACKETT, CHAIRMAN, COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY AND

P. DAVID FIELDS DIRECTOR OF PLANNING AND ZONING

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

3/2/90

Thomas J and Freeda Graziano 21612 New Freedom Road Freeland, Marrland 21053

> Pa: Petition for Zoning Re-classification CLSE NUMBER: R-90-172 NH/S Freeland Road, 2320' NE of Middletown Road

6th Election District -3rd Councilmanic Legal Owner(s): Thomas J. & Freeda Z. Graziano Hearing Scheduled: WEDNESDAY, March 21, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$614.83 is due for advertising and porting of the above property This fee must be paid before an Order is issued.

THES FEE HEST BE FAID AND THE RECLASSIFICATION WIGH AND POST RETURNED TO THE BALTIMORE COUNTY ZONTHG OFFICE OF THE EAT OF THE SCAED OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Flease make your check payable to "Baltimore County, Haryland" and remit it to Hs. G. Stephens, Zoning Office, Boom 113, County Office Building, 111 W. Chesapsake Evenue, Towson, Haryland 21204,

Robert Hairea

ext Mirey &. Scap, Lag.



Dear Mr. Gray:

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

August 30, 1989

Jeffrey H. Gray, Esquire 17000 York Road, P.O. Box 51 Monkton, Maryland 21111-0051

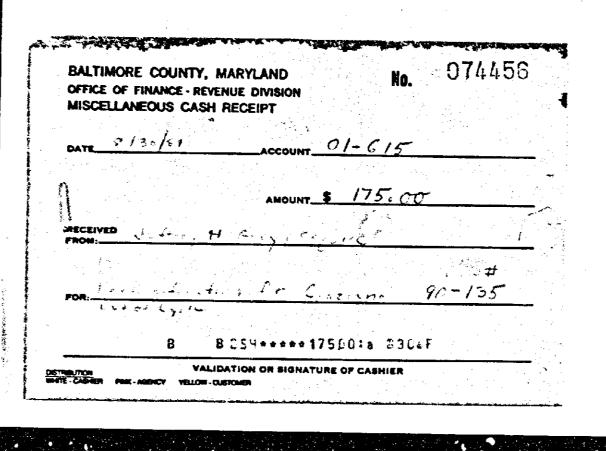
> Re: Case No. R-90-135 Thomas J. Graziano

Enclosed please find your copy of the receipt in the amount of \$175.00

for the filing of the above out of cycle reclassification.

Linda Lee M. Kusyman Legal Secretary

Enclosure



Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21234 (301) 887-3353 J. Robert Haines Zoning Commissioner

November 20, 1990



Loretta Kirckhoff Towne & Country Realty 60 N. Main Street Shrewsbury, Pa. 17361

Dear Ms. Kirckhoff:

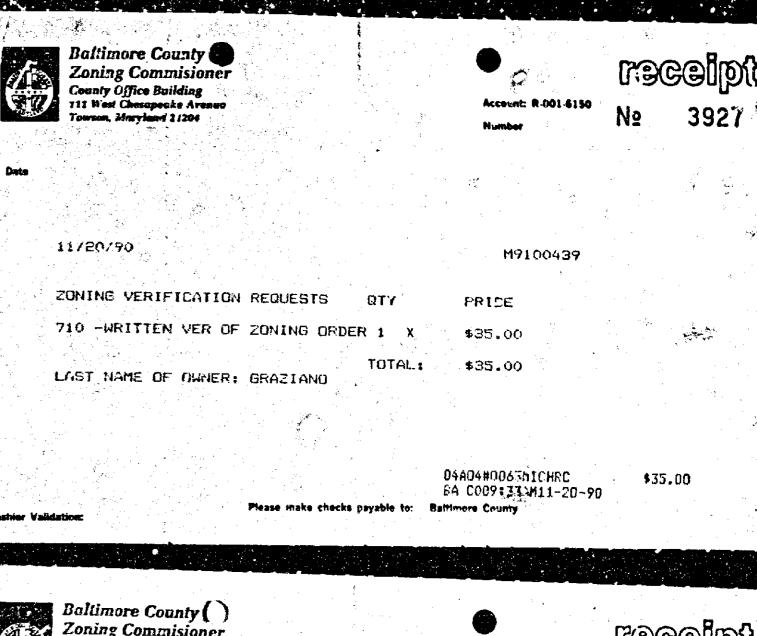
This office is in receipt of your letter requesting zoning information regarding 2100 Freeland Road, Freeland, Maryland and your check no.1272 in the amount of Thirty-five (\$35.00) dollars; a receipt of which is hereby enclosed.

In order to research this matter, 15 work days from the date of this letter are required. Please do not call this office prior to that time. If you have any questions after the 15 days, you may call John Lewis to whom this letter has been assigned at 887-3391.

Thank you for your patience and understanding.

Very truly yours, J. Robert Haines Zoning Commissioner

JRH/jat cc: File



Baltimore County ( )
Zoning Commissioner
County Office Building
111 West Chesopeuke Avenue
Townson, Maryland 21204

R-90-172

3/16/90

M9000568

FUELIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 X TOTAL: \$614.83

LAST NAME OF DUNER: GRAZIANO

Please make checks payable to: Baltimore County

NOTICE OF HEARING

Petition for Zoning Reclassification Case Mumber: 1-90-172 MM/S Freeland Mond, 2,320° ME of Hiddletown Road 6th Election District - 3rd Councilmanic Legal Owner(s): Thomas J. & Freeda J. Graziano

Petition to reclassify the property from an R.C. 2 to an R.C. 5 zone.

UTILIZA T. HACKETT, CHAIRMAN County Board of Appeals

THIS IS TO ADVISE TOO THAT TOO WILL ME RILLED BY THE SOUTH CHYICE FOR ADVERTISING AND POSTURE COSTS NITH REPORT TO THIS CASE APPROXIMENTAL A WHIT REPORT THE MEASURE. THIS PIE MUST BE PAID AND THE BE THE STORE BET NO BELLEVIEW OF THE DAY OF THE DAY OF THE BEALING OR THE ORDER WILL NOT BE



HEARING ROOM -

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 3532 3535 887-3180 Room 301, County Office Bldg.

May 10, 1990 NOTICE OF ASSIGNMENT

EC POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIEN REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTEL WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL

THOMAS J. GRAZIANO, ET UX NW/s Freeland Rd., 2320' NE of Item #3, Cycle II, 6th Election District (Feclassification) 3rd Councilmanic District

RC-2 to RC-5

This case was continued on the record March 21. 1990 at which time a documented site plan was submitted and has been

TUESDAY, JULY 10, 1990 at 10:00 a.m.

cc: Jeffrey H. Gray, Esquire Counsel for Petitioner Thomas J. Graziano James Earl Kraft

Baltimore County Board of Education People's Counsel for Baltimore County

Phyllis C. Friedman, Esquire P. David Fields Fat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer E. Carl Richards, Jr. √Docket Clerk - Zoning

Arnold Jablon, County Attorney

LindaLee M. Kuszmaul Legal Secretary

WORK SESSION of the ad hoc Committee on Development Plans and Issues
Ms. Anderson, Chairperson

AGENDA 1. Call to Order

2. Introduction of Board Members 4:52 p.m. 3. Requests for Variation of Standards from Certain

Provisions of the Chesapeake Bay Critical Area Regulations: Recommendations to Planning Board 5:15 p.m. 4. Request for Certification for out-of-cycle action

on Reclassification Petition by Mr. & Mrs. Thomas Graziano: Recommendations to Planning Board \*\*\*\*\*\*\*\*\*\*\*

> PLANNING BOARD PUBLIC HEARING 5:30 p.m. Water and Sewerage Plan, Amendment Cycle 7

. Call to Order and Introductory Remarks by the

5:31 p.m. 2. Testimony by the Public

NOTE: Copies of agenda, with enclosures, if any, will be available for public inspection by Tuesday, September 5, 1989, at the following Baltimore County Public Libraries: Arbutus, Catonsville, Cockeysville, Essex, Hereford, Loch Raven, North Point, Parkville, Perry Hall, Pikasville, Randallstown, Reisterstown, Rosedale, Towson, White Marsh and Woodlawn.

\* The first Work Session will begin promptly at 4:00 p.m., and the Public Hearing will begin promptly at 5:30 p.m.; all other times are only estimated.

March 6, 1990

Jeffrey H. Gray, Esquire 17000 York Road, P.O. Box 51 Monkton, MD 21111-0051



RE: Item No. 3 Case No. R90-172 Petitioner: Thomas J. Graziano, Reclassification Petition

Dear Mr. Gray:

This reclassification petition has been timely filed with the Board of Appeals for a publ hearing within the October-April reclassification cycle (Cycle ). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1989. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

Chairman Zoning Plans Advisory Committee

Enclosures

cc: Mr. & Mrs. Thomas J. Graziano 21612 New Freedom Road Freeland, MD 21053cc:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines
Louing Commissioner



Your petition has been received and accepted for filing this 30th day of August, 1989.

Received By:

Petitioner: Thomas J. Graziano, et ux Fetitioner's Attorney: Jeffrey H. Gray

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21214 (301) 887-3554

October 27, 1989



Mr. William Hackett Chairman, Board of Appeals County Office Building Towson, Maryland 21204

Election District:

Proposed Zoning:

Dear Mr. Hackett:

Acres:

Councilmanic District:

Zoning Reclassification Cycle II Them No.3 Property Owner: Case No./Hearing Date: Location: Existing Zoning:

NW/S Freeland Road, 2320' NE of Middletown Road R.C. 2 5.883

The proposed zoning change from R.C. 2 to R.C. 5 is not expected to be a major traffic generator.

> Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw



Oct. 1989 - April 1990

R-90-172; March 21, 1990

Thomas J. & Freeda Z. Graziano

ZONING OFFICE

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke

OCTOBER 11, 1989

J. Robert Paines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen

THOMAS J. & FREEDA Z. GRAZIANO PE: Property Owner:

NW/S FREELAND ROAD Location: Item No.:

NORTEERN SECTOR Zoning Agenda: OCTOBER, 1989-APRIL, 1990 CASE NO. CR-90-172

Gentlemen:

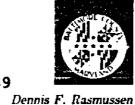
Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Fretection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Special Inspection Division

JK/FEK

Baltimore County Office of Planning & Zoning County Courts Building, Suite 406 401 Bosley Avenue Towson, Maryland 21204 (301) 587-5211



September 22, 1989

Jeffrey H. Gray, Esquire

Post Office Box 51 Monkton, MD 21111-0051

Dear Mr. Gray:

At its regular monthly meeting yesterday, the Baltimore County Planning Board voted, in accordance with Section 2-58.1(i) of the County Code, to deny the request for certification that the Petition for zoning reclassification of the Graziano property (R-90-135) is manifestly required because of emergency.

The Petition, therefore, automatically remains one of the items to be considered during the current (October-April) Zoning Cycle (Cycle II). You may wish to check the official file in the Zoning Office to be certain that it contains the information required under Section 2-58.1(j).

Sincerely,

P. David Fields Secretary to the Planning Board

PDF/TD/prh

cc: /William T. Hackett, Chairman, Board of Appeals J. Robert Haines, Zoning Commissioner Phyllis Cole Friedman, People's Counsel

Belinore County Office of Planning & Zoning Courty Courts Building, Suite 406 WI Basier Avenue Towsca, Maryland 21204 (301) 887-3211 P. David Fields

May 3, 1990



Dennis F. Rasmussen
County Executive

Mr. William T. Hackett, Chairman Baltimore County Board of Appeals County Office Building 111 West Chesapeake Avenue Towson, MD 21204

> Amended Documented Site Plan Case #R-90-172 Cycle II, Item 3

Dear Mr. Hackett:

Pursuant to Section 2-58-1(m) of the Baltimore County Code, the amendments to the documented site plan were referred by the County Board of Appeals to the Planning Board, a recommendation regarding the above-mentioned case is offered herewith.

Very truly yours,

P. David Fields, Secretary Baltimore County Planning Scard

PDF:JL:ggl Attachment JANJUA. 2/TXTGGL

> TI : P MA OI YAN OP RECEIVED APPEALS

CYCLE II, ITEM #3

CASE NO. R90-172

PETITIONERS:

Thomas J. and Freeda Z. Graziano

The property is located on the northwest side of Freeland Road, 2,320 feet northeast of Middletown Road.

AREA OF SITE:

5.883 acres EXISTING ZCNING:

R.C. 2, (Resource Consergation - Agriculture)

REQUESTED ACTION:

Reclassification to R.C. 5 (Resource Conservation - rural residentially

ZONING OF ADJACENT PROPERTIES/USE:

Northeast - R.C. 2, Agriculture and detached single-family residential dwellings.

Northwest - R.C. 2, Agriculture and detached single-family dwellings.

Southeast - R.C. 2, Agriculture and detached single-family dwelling.

Southwest - R.C. 2, Agriculture and detached single-family dwellings.

SUMMARY AND RECOMMENDATIONS:

The Petitioner is requesting the rezoning of 5.863 acres of land from R.C. 2 to R.C. 5. In reference to this request, staff offers the following information:

The subject property, a portion of a larger tract, was owned in its entirety by Lizzetta Bedgar prior to 1976. At that time, she prepared a "Last Will and Testament" with the intention of allocating one parcel to the positioner and one parcel to her grandson. In 1979, the R.C. 2 regulations were changed and the tract mentioned in Bedgar's Will became a single tract and could not be subdivided. Upon Mrs. Bedgar's death in 1981, the lots described in the Will were distributed to the grandson and the petitioner. Subsequently, the petitioner applied for a building permit which was denied because density had been exceeded.

P. David Fields

- The subject property is currently in an active agricultural use. In fact, a field inspection by the Office of Planning and Zoning determined that corn had been planted on the

# PLANNING BOARD RECOMMENDATION:

Because of the unique history of this parcel and acknowledgement that some inequities may have occurred with respect to this parcel, the Planning Board recommends that the Petitioner's request be granted conditioned, however, on the following:

- (1) The final approval of the building permit shall be subject to the prior approval, by the Director of the Department of Environmental Protection and Resource Management, of the required environm cal impact statement; and
- (2) The final approval of the building permit shall be subject to the prior approval, by the Director of Planning, of the compatibility of the proposed residence with adjacent residences in relation to site coverage, setback, height, character and exterior materials.
- (3) The Petitioners shall, in accordance with commitments expressed through their legal counsel to the Baltimore County Planning Board, file an application during Period 1 of the 1991-92 Comprehensive Zoning Map process to have this property reclassified to R.C. 2 Zoning.

### PROPOSED VS. EXISTING ZONING:

The R.C. 5 zone was created to provide for orderly residential growth in areas which will not be served by public water or sewer. Subdivision of R.C. 5 zoned land is permitted with a minimum lot size of one acre and an average tract density of 1 1/2 acres per lot. If the property was reclassified to R.C. 5 it would have the density capability to support three dwellings.

The regulations for R.C. 2 and R.C. 5 zones may be found in Sections 1A01 and 1A04 of the Baltimore County Zoning Regulations.

The R.C. 2 zone was created to prevent land uses incompatible to agricultural use. Subdivision of R.C. 2 zoned land for residential purposes is restricted so that a tract having a gross area of between two and 100 acres may be divided at a rate of one lot per 50 acres of gross area. A minimum lot size of one acre is required. Because this lot was one of three lots created from a 20 acre tract, it has no remaining residential density available.

### SITE DESCRIPTION:

The site contains 5.883 acres. It slopes moderately from the road frontage to the rear. The site is currently used for planting and growing of farm crops. The property follows a ridge line along Freeland Road.

# TRAFFIC/ROADS:

The property has access to Freeland Road which serves as a minor collector.

## PROPERTIES IN THE VICINITY:

This particular area is interspersed with single-family detached dwellings, lowever, it is predominately agricultural in nature.

The Petitioner's property is not served by public water or sewer. Private well water and a septic system would have to be provided on the site.

## APPROVED/PROPOSED PLANS:

The subject property is located within an Agricultural Priority Area as identified in the <u>Recreation</u>, <u>Parks</u>, <u>and Land Preservation</u> in <u>Baltimore County</u>, <u>A Plan for the 1990's</u>. Residential development is not encouraged within these areas and is viewed as a conflict with agriculture.

### ZONING HISTORY:

The subject property has been zoned R.C. 2 since 1976 when the R.C. zones were applied by the County Council. This site was considered as a map issue (#3-302) as part of the 1988 Comprehensive Zoning Map process. This issue involved a rezoning request from R.C. 2 to R.C. 5 on the entire 5.88 acre parcel which was denied by County Council.

DOCUMENTED SITE PLAN:

The Petitioner has provided a documented site plan which indicates a building developed with a setback of 50 feet to the perimeter of the property line. The plot also contains the following note limiting the use of the property:

"Single-family dwelling, as a residence and to be only used as a matter of right in the R.C. 5 Zone as described in the Baltimore County Zoning Regulations."

The plan also specifies the following range of materials to be used in the construction of the dwelling:

"Block or poured concrete foundation walls; frame construction; brick veneer or vinyl/aluminum frame siding."

### INTER-AGENCY COMMENTS:

See attached.

Cffice of Planning & Zoning

Taming Issue Comments

Fraject No. R-90-172

PK:JL:ggl R90-172

JAY UA.1/TXTGGL

BALT!MORE COUNTY PUBLIC SCHOOLS Robert Y. Dubel, Superintendent Towson, Maryland - 21204

October 26, 1989

Mr. Jeffrey Long Community Planner Office of Plannning and Zoning Mail Stop #1108

Re: Zoning Reclassification Cycle II

### Dear Jeff:

Thank you for taking time out of your busy schedule to meet with members of the Department of Planning to discuss the Cyclical Zoning Reclassification Process.

Please be advised that we have analyzed the 9 petitions included on the October, 1969 - April, 1990 Zoning Reclassification Cycle II list, and note that Items 1, 5, 6, 7, 8, and 9 are non-residential requests and, therefore, will have no impact on Baltimore County Public Schools.

Those petitions involving increases in residential zoning and the subsequent affect on our school system are summarized as follows:

Item 2 - Coves Farm Investment Company Documented Site Plan indicates a golf course with a potential 20 building lots. - No significant affect on student population.

Item 3 - Thomas J. and Freeda Z. Graziano Site consists of 5.8 acares and according to a representative of the Office of Planning and Zoning will probably yield 1 building lot. - No significant impact on student population.

Item 4 - Dickee Howard Goodman Site consists of 60.14 acres and the request would substantially increase the density allowed from 13 to 625

This proposed development falls within the Pot Spring Elementary, Cockeyswille Middle, and Dulaney High School Districts. Pot Spring Elementary is currently crowded and projections indicate continuing enrollment increases.

- 30 -

Mr. Jeffrey Long Office of Planning and Zoning -M.S.1108 Re: Coming Reclassification Cycle II Page Two

Attachments:

c: Or. W. G. Amprey

Mrs. B. Pickelsimer

October 26, 1989

Attached please find data prepared by this office indicating the expectant pupil yields from this proposed development.

If you have any questions or comments, please do not hesitate to contact me.

> Sincerely, James E. Kraft, Manager Department of Planning

Baltimore County Department of Public Works Buresu of Traffic Engineering Cours Building, Suite 405 Towson, Maryland 21204 (301) 557-3554

October 27, 1989



Mr. William Hackett Chairman, Board of Appeals County Office Building Towson, Maryland 21204

Coming Reclassification Cycle II Item: b. 3 Property Owner: Case No./Hearing Date:

Dusting Loning: Election District: Councilmanic District: Acres: Proposed Zoning:

Location:

Oct. 1989 - April 1990

Thomas J. & Freeda Z. Graziano R-90-172; March 21, 1990 NW/S Freeland Road, 2320' NE of Middletown Road R.C. 2 5.883

Dear Mr. Hackett:

The proposed zoning change from R.C. 2 to R.C. 5 is not expected to be a major traffic generator.

> Very truly yours, Michael S. Flanigan

Traffic Engineer Associate II

ZONING OFFICE

Thomas J. & Freeda Z. Graziano The Department has no comments on the proposal. The proposal is consistent with the goals of the department and meets regulatory requirements. The project raises concerns in certain environmental areas, but is generally consistent with departmental goals (see comments). The project raises substantial concerns which do not conform with the goals of the department (see comments). The project would violate regulatory requirements and should be dealed (see comments). Petitioner Contact: N/A Field Inspection: N/A Comments: While the area is relatively small in size, the Department of Environmental Protection and Resource Management is concerned about the reduction of agriculturally zoned land. The area is surrounded by a large agricultural area. Development would not be consistent with Master Plan Director

Department of Environmental

Protection and Resource Management

Baltimore County Fire Department 800 York Road Towson, Maryland 2:234-2586 (301) 887-4500 Paul H. Remune

OCTOBER 11, 1989

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



RE: Property Swher: THOMAS J. & FREEDA Z. GRAZIANO

NW/S FREELAND ROAD

Item No.: NORTHERN SECTOR Coming Agenda: OCTOBER, 1989-APRIL, 1990 CASE NO. CR-90-172

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: AT logs Tilly 10-17-19 Approved Approved Planging Group -Special Inspection Division

- 31 -

- 33 -

- 34 -

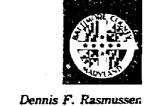
Office of Planning & Zoning County Courts Building, Suite 406 401 Bosley Avenue Towson, Maryland 21204 (301) 887-3211 P. David Fields

ZONING OFFICE

August 2, 1989

RE: Peclassification,

Graziano Property



Jeffrey H. Gray, Esquire Post Office Box 51 Monkton, MD 21111-051

Dear Mr. Gray:

After reviewing your July 17, 1989 letter and the accompanying materials, I agree that the Office of Planning & Zoning should recommend to the County Planning Board that Mr. & Mrs. Graziano's reclassification petition be certified for early action in accordance the Section 2-58.1(i) of the County Code. You should consult with Mr. Carl Richards in the County Code. Zoning Office (887-3391) to assure that the petition is completely and correctly filed no later than August 28, 1989 so that we can properly schedule it for consideration by the appropriate Committee of the Board on September 7th and at the next meeting of the full Board on September 21st.

The certification, if granted by the Planning Board, is then subject to approval by the County Council before the case could be heard by the County Board of Appeals. If it is granted by the Planning Board on September 20th, we will immediately inform the County Council so that the Council's decision could be made at their meeting on October 16th.

Although agreeing to assist in every way possible for you to obtain an expedited hearing schedule, the Planning Staff cannot ignore its obligation to provide a written response to the Board of Appeals regarding the merits of the issue. Much as we can sympathize with the tragic personal circumstances in the case, we are bound to respect the standards in Sections 2-58.1(j) and (k) of the Code, and we have not yet seen any evidence or rationale for recommending the reclassification in accordance with those standards.

If you have any questions on the procedural aspects of the case, please don't hesitate to contact Mr. Wally Lippincott (887-3480) or Mr. Tim Dugan (887-3211).

Sincerely, P. David Fields Director

PDF:prh

cc: Mr. & Mrs. Graziano Carl Richards Wally Lippincott Tim Dugan

Baltimore County Planning Board Towson, Maryland 21204 (301) 887-3211

April 24, 1990



P. David Fields, Secretary County Planning Board

County Board of Appeals

William T. Hackett, Chairman

Case No. R-90-172 SUBJECT: Thomas J. Graziano, et ux.

Pursuant to Section 2-58.1(m)(2) of the County Code, the Baltimore County Planning Board approved, by Resolution at its meeting on April 19, 1990, the enclosed April 10, 1990 report from the Planning Director to constitute a report by the Planning Board regarding the amendment to the reclassification petition in Case No. R-90-172; the Planning Board's action included the addition of the following (third) condition recommended to be imposed by the Board of Appeals:

> The Petitioners shall, in accordance with commitments expressed through their legal counsel to the Baltimore County Planning Board, file an application during Period 1 of the 1991-92 Comprehensive Zoning Map process to have this property reclassified to R.C. 2 Zoning.

FDF/TD/prh

Enclosure

cc: Pat Keller W. Carl Richards, Jr.

Office of Planning & Zoning County Courts Building, Suite 406 401 Bosley Avenue Towson, Maryland 21204 (301) 887-3211 P. David Fields

Paltimore County

April 10, 1990



Baltimore County Planning Board

P. David Fields, Director Office of Planning and Zoning

R.C.2 zoning

Amendment to Reclassification Petition - Graziano SUBJECT: Property (Case No. R-90-172; Cycle II, Item No. 3)

Item No. 3 in Cycle II 1989-90 comprises the following property:

Petitioners: Thomas J. and Freeda Z. Graziano

Location: 5.883 ac. property on the northwest side of Freeland Road, about 2,300 feet northeast of Middletown Road (see attached location map)

Existing Zoning: R.C.2 (Resource Conservation - Agricultural) Requested Zoning: R.C.5 (Resource Conservation - Rural

Planning Board's Recommendation (1/18/90): Retain current

In accordance with Section 2-58.1(m) of the County Code, an amendment to the Petition was submitted during the County Board of

Appeals' public hearing on March 21, 1990. Thus, the hearing was immediately suspended to give the opportunity for the Planning Board's review and adoption of "a resolution embodying a report on the amendment. The amendment consists of a plat dated Feb. 6, 1990 showing

"Precise limits for use of property shown pursuant to ... Sec. 2-58.1(L). The limits, in accordance with the zoning regulations, are shown by a 50' minimum building setback line inside the perimeter of the property. The plat also contains the following note limiting the use of the property: "Single family dwelling, as a residence & to be only used as a matter of right in the RC-5 zone & described in B.C.Z.R.".

Page 2 April 10, 1990

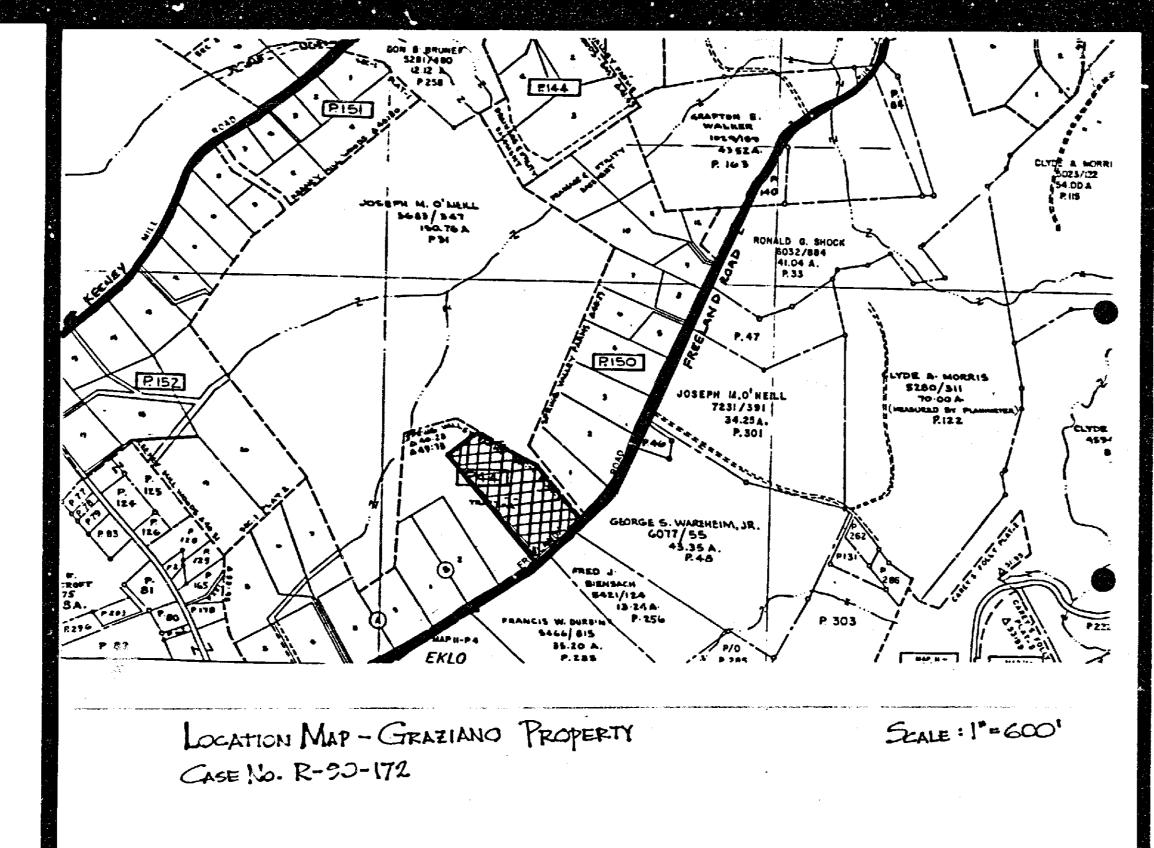
The plat, as submitted, would restrict the development of the property to a single-family dwelling. Because this type of development would be consistent with the pattern of uses actually developed on neighboring lcts along Freeland Road and other roads in the vicinity, the petition, as amended, should be approved subject to the following conditions to bring the documented site plan fully into compliance with Section 2-58.1(L):

- (1) The final approval of the building permit shall be subject to the prior approval, by the Director of the Department of Environmental Protection and Resource Management, of the required environmental impact statement; and
- (2) The final approval of the building permit shall be subject to the prior approval, by the Director of Planning, of the compatibility of the proposed residence with adjacent residences in relation to site coverage, setback, height, character and exterior materials.

Office of Planning & Zoning

PDF: TD:mjm

Attachment



# BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

P. David Fields, Director TO Office of Planning & Zoning William T. Hackett, Chairman

Thomas J. Graziano, et ux

County Board of Appeals Case No. R-90-172

Pursuant to the appropriate sections of the Baltimore County Code, we are transmitting to you copies of the amended plans submitted to the County Board of Appeals at a public hearing on March 21, 1990.

County Planning Board. By copy of this memorandum we are also forwarding a copy of this amended plan to the Zoning Office.

These are being forwarded to you for processing with the Baltimore

William T. Hackett

March 21, 1990

Attachments (10 copies of Amended Plan)

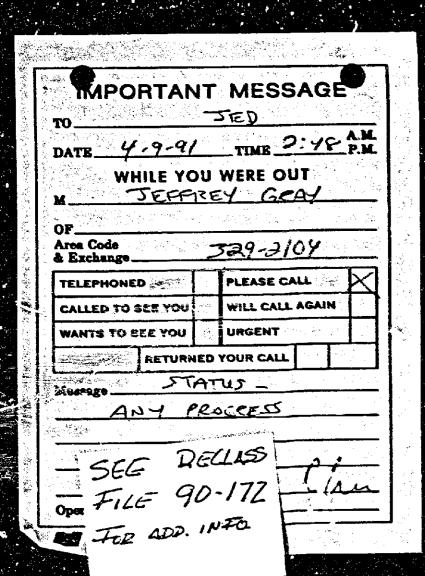
cc: Pat Keller

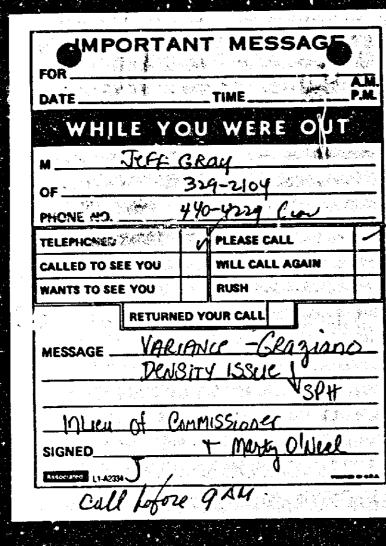
3/21/90 - Continued on the record; documented site plan sebmitted. 5/10/90 - Following parties notified of hearing set for July 10, 1990 at 10:00 a.m.:

Jeffrey H. Gray, Esq. Thomas J. Graziano James Earl Kraft Phyllis C. Friedman, Esq. P. David Fields Pat Keller J. Robert Haines Ann M. Wastarowicz James E. Dyer W. Carl Richards, Jr.

Docket Clerk - Zoning

W. Carl Richards, Jr. w/copy of Amended Plan





THOMAS J. GRAZIANO, ET UX #R-90-172, Item #3, Cycle II, 198 NW/s Freeland Rd. 2320' NE of iout\_of\_cyclel Middletown Rd. 6th Election District 3rd Councilmanic District RC-2 to RC-5 5.883 acres August 29, 1989 Petition filed. September 21 Request for certification for out-of-cycle status denied by Planning Board per letter received 9/29/89 from P. David Fields. Thomas J. Graziano Petitioner 21612 New Freedom Road Freeland, Maryland 21053 Jeffrey H. Gray Esquire Counsel for Petitioner / 17000 York Road, P.O. Box 51 Monkton, Maryland 21111-0051 (329-2704)James Earl Kraft Baltimore County Board of Education 940 York Road, Towson, MD 21204 Phyllis Cole Friedman People's Counsel P. David Fields Pat Keller J. Robert Haines Ann Nastarowicz James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

January 9, 1991

Mr. Jeffrey H. Gray P.O. Box 51 17000 York Road Monkton, MD 21111-0051

> RE: Subdivision of 21 acre Bedgar Parcel NW/S of Freeland Road, 3/4 mile NE of Middletown Road 6th Election District

As you are aware, the testate subdivision on November 30, 1984 of the above referenced 21 acres into three (3) building lots (two lots fronting Freeland Road deeded separately to Thomas H. Bedgar and Thomas W. Grazianc, leaving one panhandle lot at the rear owned by August T. Bedgar) was ruled illegal by Circuit Court Order i.e. testate subdivisions cannot violate the number of lots permitted by the property's zoning classification.

In order to bring about compliance with the zoning regulations, the Graziano lot was reclassified which brought the remaining two (2) lots previously Deeded to Thomas W. Graziano and August W. Bedgar into compliance with the area regulations of the RC-2 zone.

Upon later learning that the rear panhandle lot had actually been deeded to Joseph M. O'Neill as three (3) additional lots, this office withheld approval of a building permit for the Graziano lot.

After a great deal of review and discussion with the principals involved, it has been decided that building permits for the Graziano property will be released subject to no further permits being released on the Thomas H. Bedgar lot or the Joseph M. O'Neill lot(s) until such time as 1) a Special Hearing petition has been filed and adjudicated for the express purpose of determining compliance to the RC-2 area regulations as they relate to the Bedgar/O'Neill lots; or 2) other appropriate action is taken by the County to determine or bring about compliance with said regulations.

Hr. Jeffrey H. Gray Re: Subdivision of 21 acre Bedgar Parcel January 9, 1991

If you have any further questions concerning the above, please do not hesitate to contact me at 887-3391.

Very truly yours,

JAMES E. DYER Zoning Supervisor

cc: Mr. Joseph M. O'Neill Mr. Thomas J. Graziano Mr. Thomas C. Jedgar

John LEWIS

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

February 13, 1991

Mr. Jeffrey H. Gray P.O. Box 51 17000 York Road Monkton, Maryland 21111-0051

> RE: Subdivision of 21 acres Bedgar Parcel NW/S of Freeland Road 3/4 mile NE of Middletown Road 6th Election District

Dear Mr. Gray:

On January 9, 1991, James E. Dyer, Zoning Supervisor, issued you the enclosed letter.

I am requesting an update as to what action has been taken regarding

this property. If you wish, you can simply contact me by phone at 887-3351.

Sincerely,

Zoning Enforcement Coodinator

JHT:ljs Enclosure Baltimore County Government Zoning Commissioner Office of Planning and Zoning

887-3353

April 4, 1991

Mr. Joseph M. O'Neill Steeplechase Partnership 214 Mt. Carmel Road Suite 2, Malaw Building Parkton, MD 21120

111 West Chesapeake Avenue

Towson, MD 21204

RE: Subdivision of part of Tract "A" - 9.554 ac. + into three lots N/S of Freeland Road 3/4 mi. NE of Middletown Road 6th Election District

Dear Mr. O'Neill

The purpose of this letter is to advise you that the three (3) parcels of land subdivided from the above referenced 9.554 acre parcel presently owned by you apparently represents a violation of the Baltimore County Zoning Regulations (BCZR) specifically Section 1A01.3B1. As a result of discussions with you or your attorney on more than one occasion, this office was in accordance with Section 22.51 of the Baltimore County Code withholding any further processing of plans or permits for any development that you own or have any interest in that is located in Baltimore County. This includes the subdivision of Steeplechase of which you are part owner and is presently in this office for processing.

This violation can be adjudicated in one of several ways:

The first and most direct being to combine the three (3) Deeds i.e. 7242 - Folio 155; 7241 - Folic 147; and 7242 - Folio 152 into one density unit and/or building lot.

The second being to file a special hearing under Section 500.7 to determine any rights whatsoever that you may have in the parcel of

The third being to await a decision from District Court as to the Zoning Commissioner's contention that the subject property violates the above referenced section.

Mr. Joseph M. O'Neill Ee: N/S of Freeland Road April 4, 1991

Notwithstanding the above, a special hearing/public hearing was filed by your representative on April 2, 1991 requesting an interpretation from the Zoning Commissioner as to whether or not the above subdivision represents a violation of the BCZR specifically Section 1A01.3.B1.

As a result of this action on your part, the Zoning Commissioner has agreed to the release of the Steeplechase subdivision which was approved on April 3, 1991.

Please accept my apologies for any undue inconvenience that this matter may have caused you. It is my sincere hope that the upcoming hearing will resolve any and all zoning violations that may exist and that both you and the Bedgars will be able to proceed with development of your respective properties in accordance with the intended zoning

If you have any questions concerning the above, please do not hesitate to contact this office at 887-3331.

> **Very truly yours,** JAMES E. DYER Zoning Supervisor

JED:cer

cc: Jeffrey Gray Robert Hoffman

.

EVENING SUN

August 1, 1990

THOMAS J. GRAZIANO, ET UX Case No. R-90-172

Heir's building plans proceed A man who inherited land in northern Baltimore in northern Baltimore
Conaty but was prevent if it because of a charge in

works woing laws may finally kine found a way to take advantage of his R-00-172 good fartune.
Thomas Graziane had sheaked approval from the county Board of Appeals over to build a house on the six acres be inherited of Fig. lend Road near Mid-letown

He inherited the land in 1881 exter the death of Limetta Bedgar, She provided that her 20-acre plot be split in two, one for her grandson and six acres for Graziano. Although the zoning on the land had never changed since the will was prepared in 1976, the county changed the meaning of the RC-2 zone in 1279 to allow only one house per 50 acres. Thus, Liter the grandson built a bouse, no density was left for Graziane to use for his own. He's been trying to find a way to get a building permit for the last several years, once going to Circuit Court only to have his hopes dashed. The board has approved changing the soning to RC-5, which permits one house per acre, and the board soted that Graziano promised the planning board that he would apply to change the soning back to RC-2 to prevent any more building, once he got his building permit for one house. The board also

noted that if he fails to keep his promise, the County

Council can change the soning back anyway in 1992.

NOVEMBER 19, 1990

RE: PROPERTY LOCATED AT 2100 FREELAND RD. FREELAND, MD. 21053

CASE #: R-90-172 LIBER: 7242-FOLIO: 144 TAX PROPERTY # - 20-00-000161-917 20-00-010715-918

DEAR SIR;

THE PROPERTY LOCATED AT 2100 FREELAND RD., FREELAND, MD. IS BEING SOLD, AND BUYERS JULD LIKE A WRITTEN ASSURANCE FROM THE ZONING BOARD THAT A BUILDING PERMIT WILL STILL BE OBTAINABLE, AFTER CONVEINCE OF THE PROPERTY.

I HAVE ENCLOSED ALL THE NECESSARY INFORMATION THAT I HAVE ON THE PROPERTY. IF THERE ARE ANY OTHER QUESTIONS OR INFORMATION THAT IS REQUIRED, PLEASE DO NOT HESITATE TO CONTACT ME.

LORETTA KIRCKHOFF TOWNE & COUNTRY REALTY 800-289-4800 301-343-1088 (HOME)

60 North Main Street, Shrewsbury, PA 17361 · (717) 235-7994

John F. Etzel
William G. Ulrich
Gordon T. Langdon

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

PAUL 6. DOLLENBERG
FRED M. DOLLENBERG
CARL L. GERHOLD

Environmental Impact Statement for Graziano Property located on the Northwest side of Freeland Road. 6th Election District, Baltimore Co., Md.

History:

The subject property comprises an area of 5.883 Acres of land and is situate along Freeland Road which road follows a ridge line and is part of the overall drainage area of Little Falls and Lock Raven Reservoir. The property was part of a larger parcel of land that was subdivided in 1976 and shown on a plat titled Section One - Plat One Spring Valley Farms recorded in Plat Book E.h.K.Jr. No. 40 folio 28.

Present use:

The 5.883 Acre. lot is presently used for planting and growing of farm crops (corn, soybean, etc.) with 100% of the lot being used. The soils found on the parcel consist of three groups; 1) Chester Silt Loam, 2) Glenelg Loam, 3) Manor Loam. These soils, though suitable for cropland, are all susceptible to storm water erosion runoff, and from this the possibility of chemical fertilizer and weed control applications contaminating the storm water runoff from this lot is highly likely. The amount of contaminated runoff will vary from time to time as storm intensities are unpredictable. The end result being that the contaminated runoff will impact all property, watercourses and water supplies below this site.

Proposed use:

The 5.883 Acres let will be used for residential purposes and therefore you can expect that a majority of the lot will be lawn with varied plantings of trees and shrubbery. Even though the construction of the residence and the driveway may result in some of the storm water runoff being contaminated, that amount would not be as high as what would be presently expected (this could be controlled by installation of a storm water filtration system of which a variety are now in use throughout the county).

Summation:

The present use of farm crop planting being the intention of the RC-2 Zoning results in an expected siltation and contamination of storm water runoff that could affect the Loch Raven Reservoir is overridden by the proposed use of I single family residence, the reason being primarely from an ecological standpoint that the future residents would plant and maintain lawn and trees which when reviewed over a period of time would be more benificial to the surrounding community and Baltimore County. (Note: This lot lies in a mixed use community of residences and scattered farmland).

IN RE: PETITION FOR SPECIAL HEARING
N/S Freeland Road, 2048' NE

IN RE: PETITION FOR SPECIAL HEARI
N/S Freeland Road, 2048' N
of Middletown Road
(2034 Freeland Road)
6th Election District
3rd Councilmanic District

Joseph M. O'Neill, et vix
Petitioners

FINDINGS

FINDINGS

TOTAL

Case No. 91-405-SPH

TOTAL

LAW

LAW

The Petitioners here

subdivision of the subject pr

zoned R.C. 2, into two building

acres, more or less, and to

acres, more or less, and to

acres, more or less, for agricultur

with R.C. 2 regulations and Sec

Zoning Regulations (B.C.Z.R.), all as

cularly described on Petitions's Exhibit 1.

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

The Petitioners, Joseph and Mary Anne O'Neill, appeared and were represented by Robert A. Hoffman, Esquire and Paul Rieger, Esquire. Also appearing and entering their appearance in the case was the Office of People's Counsel, represented by Phyllis Freidman, Esquire. Appearing as Protestants in the matter were Thomas J. Graziano and Thomas C. Bedgar who were represented by Jeffrey H. Gray, Esquire.

Testimony indicated that the subject property, known as 2034

Freeland Road, consists of 9.553 acres, more or less, zoned R.C. 2 and is
improved with a brick rancher dwelling and metal building. Petitioners

are desirous of subdividing the property into three parcels, known as Lots
1 and 2 and Parcel C, as depicted on Petitioner's Exhibit 1.

5-23-88

87 (78-SPI) (3) 13

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY.

Appellant

V.

THOMAS JEROME ERAZIANO, et al.,

Appelless

: : : : : :

EEGELE'S\_COUNSEL'S\_MEMORANDUM

People's Counsel for Baltimore County, pursuant to Maryland Rule 212. files this Memorandum:

# Statement\_of\_the\_Case

The Saltitor's Gounty Zoning Commissioner denied a special hearing to exempt twenty-one acres in the north county from the Baltimore County Zoning Regulations generally, and the density regulations in the agricultural protection zone particularly. The Setitioner, delieving that a 1977 testamentary devise could supersed the 1979 regulations, appealed. The County Board of Appeals granted the social, holding that the eventual heirs had assumed since 1975 that they were entitled to three lots rather than the two derivated by law, and that it would be arbitrary to deny approval to a building lot "officially created after the ensotnest of the 8.C. I regulations but morally created years prior to their ensotnest." In order to avoid wholesale potential violation of positions by testamentary dispositions, the Board precliced and firstner subdivision beyond the immediate grant.

This appeal followed.

IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM R.C. 2 TO R.C. 5 ZONE OF BALTIMORE COUNTY NW/S Freeland Rd., 2,320' NE of Middletown Rd., 6th Election District; 3rd Councilmanic District

THOMAS J. & FREEDA Z. GRAZIANO, Petitioners

THOMAS J. & FREEDA Z. GRAZIANO, Item 3, Cycle II)

PEOPLE'S COUNSEL'S LIST OF EXHIBITS The Recommended Baltimore County Comprehensive Zoning Map Log of Issues, June 28, 1988, A Report by the Baltimore County Planning Board for Public Hearings Baltimore County Council 1988 Rezoning Hearing - Third Councilmanic District - Thursday, September 8, 1988 . . . . . 4 Baltimore County Council Minutes, Legislative Session 1988, Legislative Day No. 19, October 13, 1988 . . . . . . . . 11 Report by the Director of Planning and Zoning to the Baltimore County Planning Board, Zoning Reclassification Petitions, Cycle II, 1989, Baltimore County Office of Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals, Zoning Reclassification Petitions, Cycle II, 1989-1990, Adopted

January 18, 1990, Baltimore County Office of Planning

Pod Keller
3213
Sout Eddit

CASE NO. 87-478-27H

Board REVERSED by CCt. (J. Levitz)

Joint Ech#2

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Appellant

VS.

THOMAS JEROME GRAZIANO, et al

Appellees

Appellees

\* CIRCUIT COURT

FOR
BALTIMORE COUNTY

\* 88 CG 1510

This case came before the Court on November 16, 1988, on People's Counsel for Baltimore County's appeal from the order of the County Board of Appeals dated March 1, 1988. The Board's decision on this matter was that the Petition for Special Hearing should be granted, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

OPINION

The facts in this case are that Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acces. At that time, she made known, through the preparation of her will, that upon her death two further parcels were to be allocated, one to her grandson and one to Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21 plus acres thereupon became a single parcel, even though it was her avoved intention to allot the two six-acre parcels to her grandson and to her employee. In 1981 Mrs. Bedgar passed away. As was stated in her will, the

IN THE MATTER OF
THE AFPLICATION OF
THOMAS JEROME GRAZIANO, ET UX
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE NORTHWEST SIDE OF
FREELAND ROAD, 2,048' NORTHEAST OF
MIDDLETOWN ROAD
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

Sint Ext #3
BEFORE

COUNTY BOARD OF APPEALS

RTY
E OF:
AST OF
BALTIMORE COUNTY
CASE NO. 87-478-SPH

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner stating that only two building lots are to be permitted and that the Petition for Special Hearing to grant a building permit is denied.

This case is unique in the recallable history of this Board. All testimony and evidence presented in this case was so entered by stipulation and the history creates the uniqueness.

Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Trace A, consisting of some 21.7 acres. At that time, she made known that upon her death two further parcels were to be allocated, one to her grandson and one to a life-long employee, i.e., Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21+ acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee.

In 1981 Mrs. Bedgar passed away. As was stated in her will, the trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. These lots were surveyed, entered among the Land Records of Ealtimore County, and entered on the tax rolls of Baltimore County in 1986.

Baltimore County
Office of Flavour & Lining
County Courts Baltimg, Suite 4th
401 Bosley Avenue
Towson, Marrians 2004
(301) 587-5211
P. David Flees

May 3, 1990



Mr. William T. Hackett, Chairman Baltimore County Board of Appeals County Office Building 111 West Chesapeake Avenue Towson, MD 21204

> Subject: Arended Documented Site Plan Case #R-90-172 Cycle II, Item 3

Dear Mr. Hackett:

Pursuant to Sect

Pursuant to Section 2-58-1(m) of the Baltimora County Code, the amendments to the documented site plan were referred by the County Board of Appeals to the Planning Board, a recommendation regarding the above-mentioned case is offered herewith.

Very truly yours

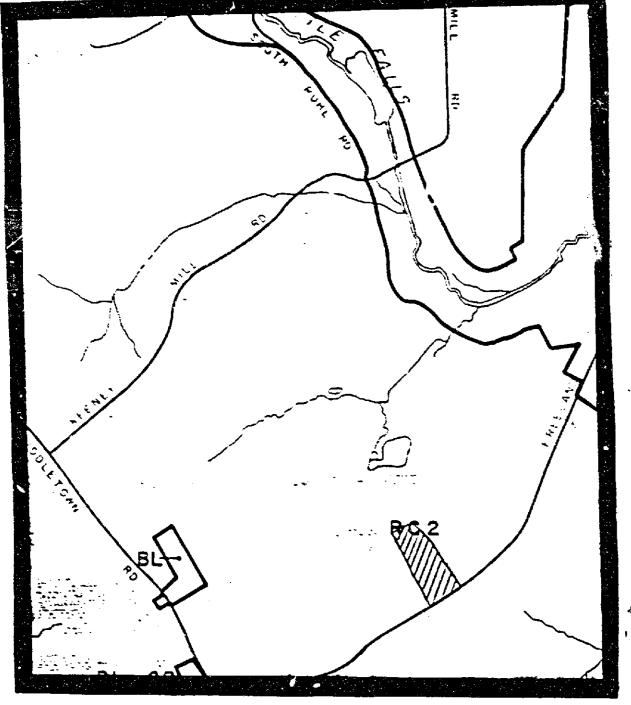
P. David Fields, Secretary
Baltimore County Planning Board

PDF:JL:ggl
Attachment
JANJUA.2/TXTGGL

Cutilian 2

Dennis F. Rasmusser,

# ITEM NO 3



NW35,36E & 2G

Location of Property Under Petition

Mr. Dyer	11/23/90
Thomas Bedgar 3217 Mt Curmel Rd	
Upperco 21155 374-4384	
Property adjucent to: Grazia Murty	Oneill.
Court Case	
J. Goe	
Cane	
Phyllis - Manty O'Neil Gnaziano RC-Z 11:00	12/4

DATE		_TIME_	A.M. _ P.M.
	YOU	WERE OUT	·
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P.O. BOX 51 • 17000 YORK ROAD • MONKTON, MD 21111-0051 • (301) 329-2104

August 12, 1991

JEFFREY H. GRAY ATTORNED AT LAW

James E. Dyer Zoning Supervisor Office of Planning & Zoning 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Graziano/Bedgar Matter Density Verification .

Dear Mr. Dyer:

As a follow up to our conversation on August 7, 1991 relative to the above captioned matter, please be advised that the Bedgars have asked me to obtain verification that they do have density on their parcel on Freeland Road based upon all of our discussions and most recently, the hearing held before the Deputy Zoning Commissioner. For purpose of your reference, please refer to zoning case number 87-478-SPH for plat details and also refer to zoning case number 91-405-SPH for details concerning the O'Neil density requests. I finally direct your attention to my correspondence to your office dated December 19, 1990 which contained plats, deed references appropriately highlighted together with appropriate explanations. I trust that the collection of this material and the endorsement of People's Counsel will suffice to permit you to verify density and building status for Mr. Bedgar. Thank you for your anticipated assistance in this regard.

Very truly yours,

cc: Thomas & Cheryl Bedgar Enclosures JHG:cas

Dev, plan in accordance with 22-51 57 the Botts Ca. Code. This action is bord upon the following fautz parcel ) Condictained by the Begans was a lot of record" as defined by the Bezze. Z) The property at that time was litally your RCZ and the ares regulation. for the RCZ your permited a maxim submission.

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JEFFREY H. GRAY ATTORNEY AT LAW

P.O. BOX 51 • 17000 YORK ROAD • MONKTON, MD 21111-0051 • (301) 329-2104

December 19, 1990

JIM DER W 254 5800 H 488 7148

James E. Dyer Zoning Supervisor Office of Planning and Zoning 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Graziano/Bedgar Matter Petition for Special Hearing O'Neill Lots

12-17-90

Dear Mr. Dyer:

This will confirm our conversation of December 18, 1990 regarding the filing of a Petition for Special Hearing on behalf of Thomas C. Bedgar. It is my understanding that you intended to hold the Petition pending further documentation concerning the various transfers. The following Exhibits and chronology will hopefully be of assistance in evaluating this matter.

- 1. Last Will and Testament of Lizzetta M. Bedgar, executed August 3, 1982.
- 2. Last Will and Testament of August W. Bedgar, executed August 3, 1982.
- 3. Deed dated November 30, 1984 and recorded among the Land Records of Baltimore County at Liber 6828, folio 204, from H. Anthony Mueller, Personal Representative of the Estate of Lizzetta M. Bedgar to Thomas C. Bedgar.
- 4. Deed dated November 30, 1984 and recorded among the Land Records of Baltimore County at Liber 6828, folio 207, from H. Anthony Mueller, Personal Representative of the Estate of Lizzetta M. Bedgar to Thomas Graziano.
- 5. Deed dated May 6, 1985 and recorded among the Land Records of Baltimore County at Liber 6929, folio 1, from Thomas Graziano to Thomas Graziano and Freeda Zeleka Graziano, his
- 6. Standard Contract of Sale dated January 11, 1986 between H. Anthony Mueller, Personal Representative of the Estate of August W. Bedgar, and Joseph M. O'Neill and Mary Anne O'Neill, his Wife.

Re: Graziano/Bedgar Matter
Petition for Special Hearing O'Neill Lots December 19, 1990

> 7. Supplemental Inventory, Estate of August W. Bedgar, by H. Anthony Mueller, Personal Representative.

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- 8. Pre-Settlement Occupancy Agreement dated April 10, 1986 between H. Anthony Mueller, Personal Representative of the Estate of August W. Bedgar, and Joseph M. O'Neill and Mary Anne O'Neill, his Wife.
- 9. Correspondence, April 17, 1988 from H. Anthony Mueller to Mr. and Mrs. Joseph H. O'Neill,
- 19. Correspondence, June 27, 1986 from H. Anthony Mueller to Jeffrey H. Gray.
- 11. Deed dated July 31, 1986 and recorded among the Land Records of Baltimore County at Liber 7242, folio 141, from Thomas Graziano and Freeda Zeleka Graziano, his Wife, to II. Anthony Mueller, Personal Representative of the Estate of August W. Bedgar.
- 12. Deed dated July 31, 1986 and recorded among the Land Records of Baltimore County at Liber 7242, folio 144, from H. Anthony Mueller, Personal Representative of the Estate of August W. Bedgar, to Thomas Graziano and Freeda Zeleka Graziano, his Wife.
- 13. Deed dated July 31, 1986 and recorded among the Land Records of Baltimore County at Liber 7242, folio 147, from H. Anthony Mueller, Personal Representative of the Estate of August W. Bedgar, to Joseph M. O'Neill and Mary Anie O'Neill, his Wife.
- 14. Deed dated July 31, 1986 and recorded among the Land Records of Baltimore County at Liber 7242, folio 151, from H. Anthony Mueller, Personal Representative of the Estate of August W. Bedgar, to Joseph M. O'Neill and Mary . nne O'Neill, his Wife.
- 15. Deed dated July 31, 1986 and recorded among the Land Records of Baltimore County at Liber 7242, folio 154, from H. Anthony Mueller, Personal Representative of the Estate of August W. Bedgar, to Joseph M. O'Neill and Mary Anne O'Neill, his Wife.
- 16. Declaration of Right of Way dated July 31, 1986 and recorded among the Land Records of Baltimore County at Liber

Re: Graziano/Bedgar Matter Petition for Special Hearing O'Neill Lots December 19, 1990

> 7242, folio 157, by Joseph M. O'Neill and Mary Anne O'Neill. 17. Correspondence, August 25, 1986 from H. Anthony Mueller to Jeffrey H. Gray.

> 18. Petition and Order for Commissions filed in the Estate of August W. Bedgar by H. Anthony Mueller, Personal Representative.

> 19. Combined overlay plat prepared by Jeffrey H. Gray from available plats showing pre-July 31, 1.7° conveyances and post-July 31, 1986 conveyances. (Color Code highlighted)

> 20. Baltimore County Tax Map obtained 1987. (Color Code highlighted)

> 21. Plat prepared by Gerhold, Cross & Etzel, May 28, 1982, presumably in preparation of Last Wills of Lizzetta M. Bedgar and August W. Bedgar. (Color Code highlighted)

The elder Bedgars execut 1 Wills on August 3, 1982. In preparation, a survey was done and the remaining 21+ acre parcel was divided into three lots for purposes of disposition under Lizzetta Bedgar's Will. (Item #3, #4 & #5 of Exhibit No. 1) Lizzetta M. Bedgar died on January 29, 1984, and pursuant to the administration of her Estate by her appointed Personal Representative, H. Anthony Mueller, the three lots were conveyed. Apparently, there were no significant problems with the administration of that estate.

August W. Bedgar died November 9, 1985. Again Mr. Mueller served as Personal Representative. The distribution of personalty went relatively well. The remaining estate consisted of the 9.554 acre parcel conveyed to August W. Bedgar during the administration of Lizzetta M. Bedgar's estate. The property was never put "on the market" for sale. Apparently Joseph M. O'Neill, an adjacent land owner (Exhibit No. 20, Tax Map) had expressed an interest in purchasing the property before August W. Bedgar's death. A contract was signed on January 11, 1986 (Exhibit No. 6) after it was approved by the heirs (Exhibit No. 18), and the O'Neills were given possession by virtue of an Pre-Settlement Occupancy Agreement Exhibit No. 8) on April 10, 1986. All documents relative to the sale referred to the description of the "house parcel" to August W. Bedgar as set forth in Item 5 of Lizzetta M. Bedgar's Will. Shortly after the O'Neill's were given possession, a "dispute" arose concerning the encroachment of the existing driveway for the "house parcel" on the Graziano's lot. After some discussion and to

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THIS DEED, Made this 30 day of Signature, 1984, by and between H. ANTHONY MUELLER, PERSONAL REPRESENTATIVE OF THE ESTATE OF LIZZETTA M. BEDGAR, deceased, party of the first part, Grantor, and THOMAS CLIFTON BEDGAR, of Baltimore County, State of Maryland, party of the second part, Grantee.

WHEREAS, Lizzetta M. Bedgar departed this life on or about the 29th day of January, 1984, being vested with the title in and to the lot of ground hereinafter described and, by her Last Will and Testament duly probated in the Orphans Court of Baltimore County and recorded in the Office of the Register of Wills, Estate No. 54070, appointed H. Anthony Mueller, Personal Repre-

WHEREAS, by the provisions of Item 4 of said Last Will and Testament the property of the said Lizzetta M. Bedgar, set forth in said Item 4, was devised and bequeathed to THOMAS CLIFTON

NOW, THEREFORE, THIS DEED WITNESSETM, that in consideration of the premises and in faithful performance of his duties as required by law, the actual consideration being zero, and pursuant to the Last Will and Testament of Lizzetta M. Bedgar, the said H. ANTHONY MUELLER, PERSONAL REPRESENTATIVE OF THE ESTATE OF LIZZETTA M. BEDGAR, does grant and convey unto THOMAS CLIFTON BEDGAR, his heirs, personal representatives and assigns, in fee simple, all that lot or parcel of ground, situate and lying in the Sixth Election District of Baltimore County, State of Maryland, and described as follows, to wit:-

BEGINNING for the same at a point on the northwest side of Freeland Road as widened and at the division line between Lot No. 2 Block B and Tract "A" as laid out on a Plat entitled Section One Plat One Spring Valley Farms, which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. No. 40 folio 28, and running thence and binding on said division line, North 25 degrees 54 minutes 33 seconds West 760.00 feet to the northeasternmost corner of Lot No. 2, thence leaving said division line

STATE DEPARTMENT OF

Re: Graziano/Bedgar Matter Petition for Special Hearing O'Neill Lots December 19, 1990

expedite final distribution under the Will, the Grazianos agreed to a land swap to resolve the encroachment problem (See Exhibit Nos. 10, 11 & 12). It is apparent that this problem was discovered when the O'Neills were doing the survey work necessary to have the parcel divided, and presumably, H. Anthony Mueller was aware of the O'Neills' plan. However, it is interesting to note that O'Neill had the adjacent property surveyed in 1976, and was apparently infinitely familiar with the Bedgar parcel (See Exhibit No. 9). No mention was ever made by Mueller to the Grazianos or any other heir that he intended to subdivide the parcel. August W. Bedgar's Will conferred no such authority on Mueller (See Exhibit No. 2). Mueller then proceeded to divide the "house parcel" according to the O'Neills' survey, thereby creating three (3) lots where only one had existed before. The Estate derived no benefit from the subdivision The consideration for the 4+ acre building lot created was alleged to be \$5,000.00 (Exhibit No. 13). The Estate account did not detail the sale as a subdivision and basically, until the Deeds were actually pulled earlier this week, none of the heirs had knowledge that an actual subdivision of the property had occurred.

I trust that you will consider this information in assessing the equities involved in this matter. If I can be of further assistance, please don't hesitate to call.

Very truly yours Legguy XX XVan Jeffrey H. Gray Enclosyres

cc: William T. Hackett, Chairman

Board of Appeals Phyllis Cole Friedman, People's Counsel

THIS DEED, Made this 30th day of November , 1984, by and between H. ANTHONY MUELLER, PERSONAL REPRESENTATIVE OF THE ESTATE OF LIZZETTA M. BEDGAR, deceased, party of the first part, Grantor, and THOMAS GRAZIANO, of Baltimore County, State of Maryland, party of the second part, Grantee.

WHEREAS, Lizzetta M. Bedgar departed this life on or about the 29th day of January, 1984, being vested with the title in and to the lot of ground hereinafter described and, by her Last Will and Testament duly probated in the Orphans Court of Baltimore County and recorded in the Office of the Register of Wills, Estate No. 54070, appointed H. Anthony Mueller, Personal Representative; and

WHEREAS, by the provisions of Item 5 of said Last Will and Testament the property of the said Lizzetta M. Bedgar, set forth in said Item 5, was devised and bequeathed to THOMAS GRAZIANO.

NOW, THEREFORE, THIS DEED WITNESSETH, that in consideration of the premises and in faithful performance of his duties as required by law, the actual consideration being zero, and pursuant to the Last Will and Testament of Lizzetta M. Bedgar, the said H. ANTHONY MUELLER, PERSONAL REPRESENTALIVE OF THE ESTATE OF LIZZETTA M. BEDGAR, does grant and convey unto THOMAS GRAZIANO, his heirs, personal representatives and assigns, in fee simple, all that lot or parcel of ground, situate and lying in the Sixth Election District of Baltimore County, State of Maryland, and described as follows, to wit:-

BEGINNING for the same at a point on the northwest side of Freeland Road as widened and laid out on a Plat entitled Section One Plat One Spring Valley Farms, which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. No. 40 folio 28, said point being distant 398.10 feet northeasterly measured along the northwest side of Freeland Road, as widened, from the division line between Lot No. 2 Block B and Tract "A" as laid out on the aforesaid Plat, and running thence from said place of beginning and binding on the northwest side of Freeland Road as widened, the two following lines, viz:

STATE DEPARTMENT OF ASSESSMENTS & TAXATION

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No. 1

ROYSTON, MUELLER.

MCLEAR & RED

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Torses, Ma. 21204

LIEEZ & FOLD UNKNOW

7-29-82

LAST WILL AND TESTAMENT

LIZZETTA M. BEDGAR

I, LIZZETTA M. BEDGAR, of Baltimore County, Maryland, declare this to be my Last Will and Testament and revoke all prior Wills and Codicils made by me.

ITEM 1: I direct my Personal Representative to pay my funeral expenses and to have a marker erected at my grave. I authorize my Personal Representative to expend for my funeral and marker such sums as he may deem proper, without any limit prescribed by law and without obtaining the prior or subsequent order or ratification of any Court.

ITEM 2: I bequeath unto my husband, AUGUST W. BEDGAR, if he survives me, all of my furniture and furnishings, jewelry, clothing and all other tangible personal property to include all vehicles.

ITEM 3: If my said husband predeceases me, I make the follow ing bequests:

A. To my granddaughter, LYNNE DORIS NORRIS, if she survives me, my large diamond ring, piano, tan recliner, three drawer bureau in the master bedroom, round mirror in hall, table and lamp in hall, sofa in living room, corner cabinet in the dining room, washing machine, two upright freezers, kitchen table and chairs, and the chair located in front of the piano.

B. To my granddaughter, CAROL ANN WALSH, if she survives me, my husband's Masonic diamond ring, rug and high boy in the sewing room, secretary in the hall, all Stieff flat silverware, large mirror over organ, and the Corelle dishes.

C. To my granddaughter, DARLENE MARIE CONNORS, if she survives me, my small diamond ring with spring, chime clock,

THIS DEED, made this 6 day of May, in the year

of Baltimore County, Maryland, Grantees.

one thousand nine hundred and eighty-five, by and between

THOMAS GRAZIANO, of Baltimore County, Maryland, Grantor, and

WITNESSETH, that in consideration of the sum of

FIVE DOLLARS (\$5.00) and other good and valuable considerations,

THOMAS JEROME GRAZIANO and FREEDA ZELEKA GRAZIANO, his wife,

the receipt whereof is hereby acknowledged, the said Thomas

Graziano, does grant and convey unto the said Thomas Jerome

the entireties, their assigns, and unto the survivor of

in fee simple, all that lot or parcel of land, situate,

lying and being in the Sixth Election District of Baltimore

County, Maryland, which, according to a Deed of H. Anthony

Mueller, Personal Representative of the Estate of Lizzetta

M. Bedgar, dated November 30, 1984, and recorded among the

Land Records of Baltimore County in Liber 6828, Folio 207,

northwest side of Freeland Road as widened and

One Spring Valley Farms, which Plat is recorded among the Land Records of Baltimore County in Plat

and Tract "A" as laid out on the aforesaid Plat, and running thence from said place of beginning/

of said arc bearing North 58 degrees 28 minutes

55 seconds East 45.28 feet) and North 57 degrees

and distances, viz: North 12 degrees 11 minutes

Containing 5.883 acres of land, more or less.

11 minutes 05 seconds East 294.36 feet, thence

and binding on the northwest side of Freeland Road

be a line curving toward the left having a radius of

leaving said road and running for lines of division

05 seconds East 50 feet, North 32 degrees 48 minutes

now made through Tract "A" the five following courses

55 seconds West 488.40 feet, North 53 degrees 30 minutes

51 seconds West 192.06 feet, South 66 degrees 12 minutes

40 seconds East 748.05 feet to the place of beginning.

59 seconds West 288.88 feet and South 31 degrees 08 minutes

1000 feet for an arc distance of 45.28 feet (the chord

as widened, the two following lines, viz: Northeasterly

laid out on a Plat entitled Section One Plat

BEGINNING for the same at a point on the

Book E.H.K.Jr. No. 40 folio 28, said point being

distant 398.10 feet northeasterly measured along

the northwest side of Freeland Road, as widened, the first state of from the division line between Lot No. 2 Block B

etc., is described as follows, that is to say: --

Graziano and Freeda Zeleka Graziano, his wife, as tenants by

them, his or her heirs, personal representatives and assigns,

No. Z

1 15B

----

LAST WILL AND TESTAMENT

I, AUGUST W. BEDGAR, of Baltimore County, Maryland, declare this to be my Last Will and Testament and revoke all prior Wills and Codicils made by me.

AUGUST W. BEDGAR

ITEM 1: I direct my Personal Representative to pay my legally enforceable debts and funeral expenses and to have a marker erected at my grave. I authorize her or him to expend for my funeral such sums as she or he may deem proper, without any limit prescribed by law and without obtaining the prior or subsequent order or ratification of any Court.

ITEM 2: If my wife, LIZZETTA M. BEDGAR, survives me, I devise, bequeath and appoint all of the rest and residue of my estate, real and personal, and all property over which I may have power of testamentary disposition, to my said wife.

ITEM 3: If my said wife predeceases me, I make the following bequests:

A. To my granddaughter, LYNNE DORIS NORRIS, if she survives me, my wife's large diamond ring, the piano, tan recliner, three drawer bureau in the master bedroom, round mirror in hall, table and lamp in hall, sofa in living room, corner cabinet in the dining room, washing machine, two upright freezers, kitchen table and chairs, and the chair located in front of the

B. To my granddaughter, CAROL ANN WALSH, if she survives me, my Masonic diamond ring, the rug and high boy in the sewing room, secretary in the hall, all Stieff flat silverware, large mirror over organ, and the Corelle dishes.

C. To my granddaughter, DARLENE MARIE CONNORS, if she

MCLEAN & REID IGG W. PENNA AVE. 100112 MM. MO-21204

ROYSTON, MUELLER,

Standard Contract of Sale

This a Legally Binding Contract; If Not Understood, Sech Competent Advi-

This Agreement of Sale, made this = - //-SENTATIVE OF THE ESTATE OF AUGUST W. BEDGAR, CECEBBED.

Seller, and JOSEPH M. C'NEILL and MARY ANNE O'NEILL, his wife. Witness that the said Seller does hereby bargain and sell units the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in the Sixth Election District of

Baltimore County, Maryland, containing 9.554 acres, more or less, with the

improvements thereon known as No. 2034 Preeland Road, in fee simple. For title see Deed dated November 30, 1984, recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6828 folio 201, from H. Anthony Wueller, Personal Representative of the Estate of Lizzetta M. Bedgar, decessed, to August W. Bedgar.

at #4 for the price of CNL HUNDRED TWENTY TIVE THE USAND ----Laws (\$ 125,000.00-----) have been paid prior to the signing hereof, and the balance to be paid as ret-over: In cash on or before ninety (90) days from the date hereof, at which time possession will be given.

Upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer.

to the property shall be good and merchantable, free of Bens and encumbrances except: specified herein and except: Use and occupancy sestrictions of public occurs which are generally applicable to properties in the immediate neighborhood or the sub-dictions in which the property is increed, and publicly recorded extensents for public utilisties and any other extensents which may be observed by an inspection of the property.

artest aftal) તેલ હતું વસાનો તમ કે ભાગભા લાગ કે વચ્ચનો લોગાં અને કાર્ય કે કાર્ય કે કાર્ય કે કાર્ય કે કાર્ય કે taxes, general or special, and all other public or governmental charges or somments against the premiers which are or may be poyable on on annual batta (including Metropoliton District, Sanctory Commission ur other benefit chorges, av rements, here er encumbusices for erver, weter, dramage er other public emprovements completed or commenced on or prior to the deta hereof, or subsequent thereto), ore to be adjusted and appartianed as of E2 date of actionment and are to be assumed and good thereafter by Boyen, whether governments have been level ar nat as al date of protement.

Possesses of the premiers shall be given to Buyer as of dots of widering.

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MCLEAN & REID

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SUFFE GOS 101 W. PERL AVE

THIS PRE-SETTLEMENT OCCUPANCY AGREEMENT, Made this day of April, 1986, by and between H. ANTHONY MUELLER, PERSONAL REPRESENTATIVE OF THE ESTATE OF AUGUST W. BEDGAR, deceased, hereinafter referred to as Seller, and JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, hereinafter referred to as Purchasers.

WHEREAS, on January 11, 1986, the parties hereto entered into a Contract for the purchase and sale of the real property known as 2034 Freeland Road, Baltimore County, Maryland; and

WHEREAS, according to said Contract, Seller agreed to give occupancy and possession at the time of settlement; and

WHEREAS, on this date the parties hereto are amending said Contract o provide for the right of the Purchasers to occupy the premises prior to settlement on said Contract, and Seller is agreeable to this pre-settlement occupancy, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, THIS PRE-SETTLEMENT OCCUPANCY AGREEMENT WITNESSETH, that in consideration of the mutual covenants and conditions herein contained, and the parties hereto intending to be legally bound, do agree as follows:-

1. Seller hereby gives permission to the Purchasers to occupy the premises from April 11, 1986 until the date of settlement, but not later than June 1, 1986.

2. Purchasers have paid to the Seller the sum of Five Thousand Dollars (\$5,000.00) as a deposit on the Contract. In the event Purchasers fail to settle on said Contract for any reason, said deposit shall be forfeited and paid to Seller as liquidated damages.

R. TAYLOR MOLEAN

RICHARD A. REID E. HARRISON STONE

MILTON R. SMITH, IR.

LAWRENCE F. HAISUP

LAUREL P. EVANS

KEITH R. TRUFFER

ROBERT & HANDZO

ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

SUITE 600

ICZ WEST PENNSYLVANIA AVENUE

(301) 823-1800

TOWSON, MARYLAND 21204-4575 C. S. KLINGELHOFER III THOMAS F. MCDONOUGH

CARROLL W. ROYSTON H. ANTHONY MUELLER IOHN L. ASKEW

April 17, 1986

Mr. and Mrs. Joseph M. O'Neill Mount Carmel Road Parkton, Maryland 21120

> Re: 2034 Freeland Road Estate of August W. Bedgar

Dear Mr. and Mrs. O'Neill:

I have made a thorough study of the issues presented by the driveway's location, by reviewing several plats, Mr. Bedgar's Deed dated November 30, 1984 and recorded among the Land Records of Baltimore County in Liber 6828 folio 201, and the Contract of Sale dated January 11, 1986 between you and myself as Personal Representative of Mr. Bedgar's Estate. Further, I have conferred with other attorneys in my office. Naturally, all concerned regret any difficulties occasioned by what appears to be the actual location of the driveway. However, I believe that, from a legal standpoint, you are not entitled to any modification of the Contract, alteration of property lines, or other adjustment. The Contract is unambiguous and speaks for itself. It contains no reference or representation with respect to the location of the driveway. Further, such location was not a matter about which you and I had any discussion -- in other words, you were certainly not misled by me to believe that the driveway ran within the panhandle described in the Deed 6828/201 prior to the execution of the Contract or thereafter.

The Bedgar family and I want to be "good neighbors", but do not feel responsible for whatever impressions you may have had with respect to the facts and circumstances governing your decision to purchase the property. In addition, to the extent that the September, 1976 plat prepared for you by McKee Engineering contributed to any misunderstanding on your part (if such is/was the case), I point out that McKee was hired by

No. 10

ROYSTON. MUELLER, MCLEAN & REID ATTORNEYS AT LAW

R. TAYLOR MCLEAN RICHARD A. REID MILTON R.SMITH, IR C. S. KUNGELHOFER II THOMAS F. McDONOUG LAWRENCE F. HAISLIP LAUREL P. EVANS KEITH R. TRUFFER

ROBERT S. HANDZO

The state of the s

SUITE 600 ICS WEST PENNSYDANIA AVENUE TOWSON, MARYLAND 21204-4575 (30H 623-1800

CARROLL W. ROYSTON H. ANTHONY MUELLER IOHN LASKEW

June 17, 1986

Jeffrey H. Gray, Esquire 16951 York Road Box 51 Monkton, Maryland 21111

Re: Estate of August W. Bedgar

Dear Mr. Gray:

I believe we have settled the alleged dispute between Marty O'Neill and Tom Graziano. I will know within ten days whether the terms of the settlement or offer of compromise have been accepted. If they are, and I think they will be, I anticipate settlement sometime around July 1, 1986.

Jery truly yours,

H. Anthony Mueller

HAM/mep

LIBER 7 2 4 2 FOLIO 1 4 1

THIS DEED, made this 31st day of July, in the year nineteen hundred and eighty-six, by and between THO.4AS JEROME GRAZIANO and FREEDA ZELEKA GRAZIANO, his wife, of Baltimore County, State of Maryland, parties of the first part, and H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, . deceased, of Baltimore County, State of Maryland, party of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, there being no actual consideration paid or to be paid in connection with this conveyance, this being a Deed of Exchange as hereinafter referred to, the said THOMAS JEROME GRAZIANO and FREEDA ZELEKA GRAZIANO, his wife, do grant and convey unto the said H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, deceased, his successors and assigns, in fee simple, all that parcel of ground situate, lying and being in the Sixth Election District of Baltimore County, State of Maryland, and RC/F 18.00 described as follows:

#XX863 COO2 ROZRF19781 BEGINNING for the same at a point on the northwest side of Freeland Road as widened and laid out on a Plat entitled Section One, Plat One, Spring Valley Farms, which Plat is recorded among the Land Records of Baltimore County in Plat Book 40, folio 28, said point being at the end of the second or North 57 degrees 11 minutes 05 seconds East, 294.36 foot line of a deed dated May 6, 1985 from Thomas Graziano to Thomas Jerome Graziano and wife and being recorded among the Land Records of Baltimore County in Liber 6929 folio 001; thence binding reversely on part of the said second line and by the said northwest side of Freeland Road (1) South 57 degrees 11 minutes 05 seconds West, 5.00 feet; thence by line of division the following two courses; viz: (2) North 29 degrees 39 minutes 25 seconds West, 529.05 feet and (3) North 52 degrees 06 minutes 53 seconds West, 186.43 feet to a point on the sixth line of aforesaid deed; thence binding reversely on part of the sixth line, the fifth, fourth and third lines the following four courses, viz: (4) North 66 degrees 12 minutes 59 seconds West, 5.00 feet, (5) South 53 degrees 30 minutes 51 seconds East, 192.06 feet, (6) South 32 degrees 48 minutes 55 seconds East, 48..40 feet and (7) South 12 degrees 11 minutes 05 seconds West, 50.00 feet to the place of beginning. Containing

STATE DEPARTMENT OF ASSESSMENTS & TAXATION AURICULTURAL TRANSFER TAX Brewer and a set in a little work? HOT APPLICABLE Soft w. Casa 81.112 wink

0.3268 acres of land, more or less.

LIBER 7 2 4 2 FOLIO 1 4 4

THIS DEED, made this 31st day of July, in the year nineteen hundred and eighty-six, by and between H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, deceased, of Baltimore County, State of Maryland, party of the

No. 12

first part, and THOMAS JEROME GRAZIANO and FREEDA ZELEKA GRAZIANO, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, there being no actual consideration paid or to be paid in connection with this conveyance, this being a Deed of Exchange as hereinafter referred to the said H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, in pursuance of the power and authority vested in him under and by virtue of the Last Will and Testament of August w. Bedgar, which Will is recorded among the records of the Register of Wills for Baltimore County and in pursuance of the power and authority vested in him under the provisions of the Estates and Trusts Article of the Annotated Code of Maryland, coes grant and convey unto the said THOMAS JEROME GRAZIANO and FREEDA ZELEKA GRAZIANO, his wife, as tenants by the entireties, their personal representatives and assigns RC/F 16.00 the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in the Sixth Election District

BEGINNING for the same at the end of the sixth line of a deed dated May 6, 1985 from Thomas Graziano to Thomas Jerome Graziano and wife and being recorded among the Land Records of Baltimore County in Liber 6929, folio 001; thence by line of division the following three courses, viz: (1) North 31 degrees 08 minutes 40 seconds West, 52.90 feet, (2) North 66 degrees 12 minutes 59 seconds East, 258.86 feet and (3) South 55 degrees 00 minutes 00 seconds East, 61.35 feet to a point on the aforesaid sixth line; thence binding on part of the said sixth line (4) South 66 degrees 12 minutes 59 seconds West, 283.88 feet to the place of beginning. Containing 0.3268 acres of land, more or less. TRANSFER TAX HOT REQUIRED

of Baltimore County, State of Maryland, and described as follows:

STATE DEPARTMENT OF ASSESSMENTS & TAXATION

Director of Europe B BALTINGHE COLOR V VINVIANO Jan 1/1/16 - 1180 H

LIBER 1242 FOLIO147

THIS DEED, made this 31st day of July, in the year mineteen hundred and eighty-six, by and between H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, deceased, of Baltimore County, State of Maryland, party of the first part, and JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid in connection with this conveyance being Five Thousand Dollars (\$5,000.00) this day paid, the receipt whereof is hereby acknowledged, the said H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, in pursuance of the power and authority vested in him under and by virtue of the Last Will and Testament of August W. Bedgar, which Will is recorded among the records of the Register of Wills for Baltimore County and in pursuance of the power and authority vested in him under the provisions of the Estates and Trusts Article of the Annotated Code of Maryland, does grant and convey unto the said JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, as tenants by the entireties, their personal representatives and assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in the Sixth Election District of Baltimore County, State of Maryland, and T M described as follows:

BEGINNING for the same at a point on the northwest side of Freeland Road as widened and laid out on a Plat entitled Section One, Plat One, Spring Valley Farms, which Plat is recorded among the Land Records of Baltimore County in Plat Book 40, folio 28, said point being on the second or North 57 degrees 11 minutes 5 minutes East, 294.36 foot line of a deed

STATE DEPARTMENT OF ASSESSMENTS & TAXATION

ACRICULTURAL TRANSFER TAX NOT APPLICABLE-LETTER OF INTENE SIGNATURE DATE 8-5-5C

B 317\*\*\*\*\*\*\*\*\*\* 8000:a \$07%A

LIBER 7 2 4 2 FOLIO 1 5 1

THIS DEED, made this 31st day of July, in the year nineteen hundred and eighty-six, by and between H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, deceased, of Baltimore County, State of Maryland, party of the first part, and JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid in connection with this conveyance being Two Thousand Five Hundred Dollars (\$2,500.00) this day paid, the receipt whereof is hereby acknowledged, the said H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, in pursuance of the power and authority vested in him under and by wirtue of the Last Will and Testament of August W. Bedgar, which Will is recorded among the records of the Register of Wills for Baltimore County and in pursuance of the power and authority vested in him under the provisions of the Estates and Trusts Article of the Annotated Code of Maryland, does grant and convey unto the said JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, as benants by the entireties, their personal representatives and assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in the Sixth Election District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at the end of the twenty with or South 83 degrees 9 minutes 52 seconds West 415.28 footilithe 002 ROZ 111:11 of a deed dated June 27, 1978 from Lizzetta M. Bedgar to Joseph M. O'Neill and Mary Anne O'Neill, his wife, and recorded among the Land Records of Baltimore County in Liter E.H.K. Jr. No. 5903 folio 337; thence binding reversely on part of the said twenty-ninth line (1) North 83 degrees 9 minutes 52 seconds East, 203.91 feet; thence by line of division the

STATE DEPARTMENT OF ASSESSMENTS & TAXATION

AGRICULTURAL TRANSFER TAX NOT APPLICABLE-LETTER OF INTENT SICHATURE DATE 8-15:56. B318\*\*\*\*\*46D0:a 8078A/

12.50

LIBER 7 2 4 2 FOLIO 1 5 4 No. 15

THIS DEED, made this 31st day of July, in the year nineteen hundred and eighty-six, by and between H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, deceased, of Baltimore County, State of Maryland, party of the first part, and JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid in connection with this conveyance being One Hundred Seventeen Thousand Five Hundred Dollars (\$117,500.00) this day paid, the receipt whereof is hereby acknowledged, the said H. ANTHONY MUELLER, Personal Representative of the Estate of August W. Bedgar, in pur nance of the power and authority vested in him under and by virtue of the Last Will and Testament of August W. Bedgar, which Will is recorded among the records of the Register of Wills for Baltimore County and in pursuance of the power and authority vested in him under the provisions of the Estates and Trusts Article of the Annotated Code of Maryland, does grant and convey unto the said JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, as tenants by the entireties, their personal representatives and assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in the Sixth Election District of Baltimore

### 16.00 n r 1x 597.50 County, State of Maryland, and described as follows: 11 110CS 587.50 BEGINNING for the same at a point on the northweelth

side of Freeland Road as widened and laid out on a PlateHA JR T 1191.001

entitled Section One, Plat One, Spring Valley Farms, which Walawoz ROZ 1711-1

is recorded among the Land Records of Baltimore County in Plat 08/19/85 Book 40, folio 28, said point being at the beginning of the twenty-sixth or South 12 degrees 11 minutes 05 seconds West, 35.36 foot line of a deed dated June 27, 1978 from Lizzetta M. Bedgar to Joseph M. O'Neill and Mary Anne O'Neill, his wife, and recorded among the Land Records of Baltimore County in

STATE DETARTMENT OF ASSESSIE TS & TAYATION

ACRICULTURAL TRANSFER TAX NOT APPLICABLE-LETTER OF INTENT E-15-86 B - B316\*\*\*\* 1880DO: a 807% SIGNATURE DATE 8755C

IN THE MATTER OF

AUGUST W. BEDGAR, deceased :

respectfully represents:

administration of said Estate:

in the administration of the Estate.

the supporting documents.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Personal Representative on November 14, 1985.

THE ESTATE OF

LIBER 7242 FOLIO 157

THIS DECLARATION OF RIGHT OF MAY Made this 31st day of July, 1986, by Goseph M. O'NEILL and MARY ANNE O'NEILL, his wife of Baltimore County, State of Maryland, parties of the first part.

WHEREAS, the parties of the first part are the owners, in fee simple, of all those two parcels of ground situate, lying and being in the Sixth Election District of Baltimore County and containing, respectively, 4.1305 acres of land, more or less, and 3.0472 acres of land, more or less, and particularly described in the two Deeds from H. Anthony Mueller, Person?' Representative of the Estate of August W. Bedgar, dated of even date herewith and recorded among the Land Records of Baltimore County prior hereto; and

WHEREAS, the parties of the first part are desirous of establishing a right of way for the mutual benefit of the parcels of ground as hereinbefore set forth and to provide for the maintenance of said right of way, wherefore, these presents are executed.

NOW, THEREFORE, THIS DECLARATION WITNESSETH, That for and in consideration of the mutual benefits to be derived by each of the parties hereto, the said parties hereby declare as follows:

1. The owners of the parcels of ground hereinbefore referred to shall have the right to the use in common of a BRC/F 12.00 right of way ten feet wide leading from Freeland Road, the JR I #32868 COO2 RO2 III: center line therof being described as follows:

BEGINNING for the same at a point on the northwest side of Freeland Road as widened and laid out on a Plat entitled Section One, Plat One, Spring Valley Farms, which Plat is recorded among the Land Records of Baltimore County in Plat Book 40, folio 28, said point being at the end of the second or North 57 Degrees 11 minutes 05 seconds, East 294.36 foot line of a deed dated May 6, 1985 from Thomas Graziano to Thomas Jerome Graziano and wife and being recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6929, folio 001; then by the center of an existing drive the following three courses, viz: (1) North 28 degrees 20 minutes 00 seconds TRANSFER TAX NOT REQUIRED

IN THE ORPHANS COURT

FOR BALTIMORE COUNTY

No. 58046

ROYSTON, MUELLER, McLEAN & REID

(301) 823-1900

ATTORNEYS AT LAW SUITE 600 102 WEST PENNSYLVANIA AVENUS TOWSON, MARYLAND 21204-4575

THOMAS F. McDONOUGH LAWRENCE F. HAISLIP LAUREL P. EVANS KEITH R.TRUFFER

R. TAYLOR McLEAN

RICHARD A. REID

E. HARRISON STONE

MILTON R. SMITH IR

C. S. KLINGELHOFER (I)

CARROLL W. ROYSTON JOHN T' YZKEM

August 25, 1986

Jeffrey H. Gray, Esquire Hereford Professional Building P. O. box 51 16951 York Road Monkton, Maryland 21111

Re: Estate of August W. Bedgar

Dear Mr. Gray:

Thank you for your letter of August 22, 1986 concerning the above mentioned Estate.

As you have been previously advised, the reason for the initial delay was brought about by an error in the original transfer of the ( aziano lot, all of which necessitated a new survey and numerous discussions between the Buyer and Mr. Graziano.

These problems were brought up shortly before the expiration of the 90 day settlement clause in the original Contract. When this problem was first presented to me, I could have either postponed the settlement by mutual agreement until the survey was completed, or refused to go along with any discussions of possible settlement. The latter course would have resulted in either a suit being brought by me against the Buyer or the Buyer suing me. As you know if such a suit was instituted, it would take at least two years before coming to trial. In view of the possible delay I agreed to enter into a Pre-settlement Occupancy Agreement postponing the settlement until such time as a new survey could be accomplished and determining what rights, if any, the Buyer and/or Mr. Graziano had in the property dispute. It was also my opinion that because of the encroachment of the driveway into the Graziano lot, this was a matter the Estate had to solve one way or the other. There was no provision in the Pre-settlement Agreement for rent. After the execution of that Agreement the Buyer rented the property, and the Buyer volunteered to let me hold the rent. The question of the return of the rent was not brought up until about three days prior to settlement on July

> THE LLAND H. Anthony Mueller, P.R. to Thomas C. Eadgar 11/30/84 (6828/204) H. Anthony Mueller, P.R. to Thomas Graziano 11/30/84 (6828/207) New lines of division to Graziano parcel by wirtue of Deeds Graziano, et ux to Mueller, P.R., 7/31/86 (7242/141), and Mueller, P.R. to Graziano, et ux, 7/31/86 (7242/144) H. Anthony Mueller, P.R. to August W. Bedgar 11/30/84 (6828/201

7231/391 drge S. Wareheim, JR BIENSACH 5421/124 13-24 A-FRANCIS W. DURSING 5466 815

New lines of division to August W. Bedgar parcel by virtue of Deeds, Mueller, P.R. to O'Neill, et ux, 7/31/86 (7242/147), Mueller, P.R. to O'Neill, et ux, 7/31/86 (7242/151), and Mueller, P.R. to O'Neill, et ux, 7/31/86 (7242/154).

With the same of t

\* House to Tit

FRIEZICISON

7/2/86

3784 VG

MULLER TO O'NGILL "

6.294 ACRES

3,0472 AC#

MCLEAR & REP ---9-900 05\*5

PETITION AND ORDER FOR COMMISSIONS

The Petition of H. Anthony Mueller, Personal

1. That August W. Bedgar died testate on November 9, 1985,

Representative of the Estate of August W. Bedgar, deceased,

and by his Last Will and Testament, which has been duly

probated and is now of record in the Office of the Register of

Wills for Baltimore County, appointed your Petitioner as

Personal Representative. Your Petitioner qualified as such

performed the following services in connection with the

Petition to probate the decedent's Last Will and Testament and

farily at his residence and reviewed the contents of the

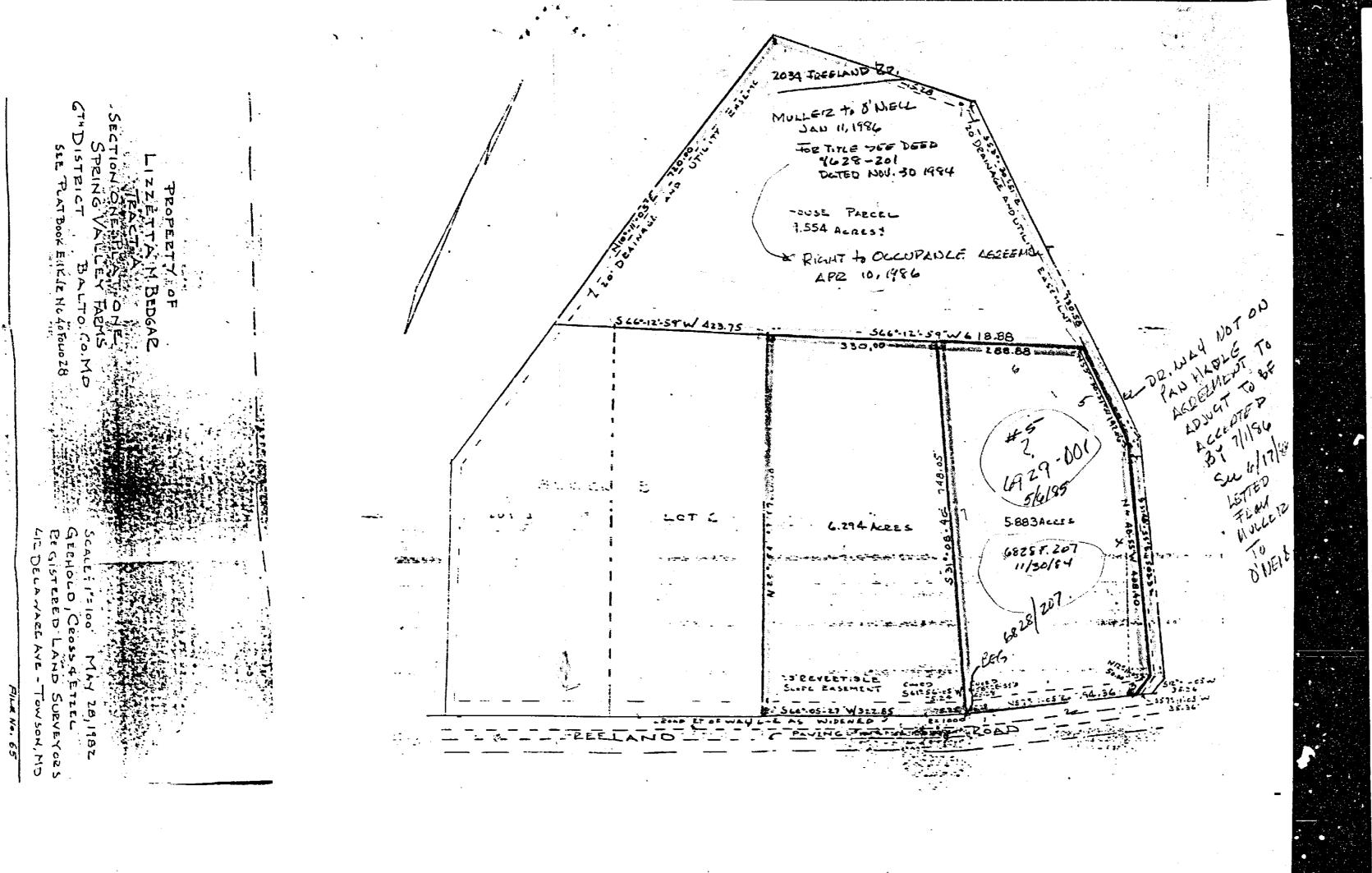
decedent's Will and explained the necessary steps to be taken

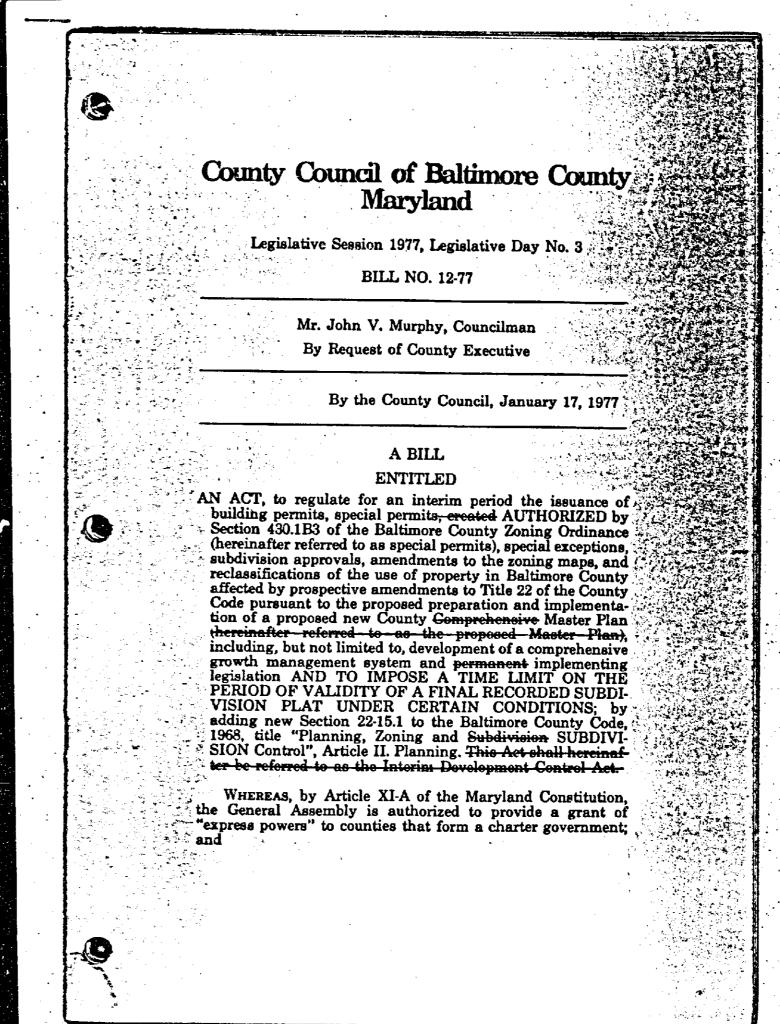
2. Your Petitioner, as Personal Representative, has

a. Prepared and filed with the Register of Wills the

b. Met with all of the members of the decedent's

150.76 A BASE CHE COUSTRUCTED: COPYRIGHT - MAP DIVISION - 1967. MD. DEPT. OF, ASSESS, & JAX. -PLANIMETRY REV. TO: MAP DRAWN:







to CONTRACT OF SALE dated \_\_November BUYER(S): Jimmy D. L. Der and Michele Conicliano Der SELLEP(S): Thomas I. Freeda Graziano

For valuable consideration, receipt of which is hereby acknowledged, we, the undersigned parties hereby agree as follows:

PROPERTY: 2100 Freeland Rd. Freeland, Maryland 21053

- 1. Buyers hereby agree to pay to the sellers at time of settlement an additional amount of Three thousand doilars (\$3,000.00) as a well fee for existing well.

  Seller shall provide to the buyers (at sellers expense) at time of settlement a new yield test meeting Baltimore County minimum yield requirements.
- 2. This contract is contingent upon the sellers providing to the buyers satisfactory proof that a building permit will be obtainable by the buyers as per zoning determination attached hereto. Such proof shall be provided to the buyers within thirty days (35) of the date herein. In the event the buyers do not receive such proof or are not -21 satisfied with such proof, in their sole opinion, they shall notify the sellers in writing within thirty-three (33) days of the date herein and shall have the right to declare this contract null and void with all leposit monies returned to the buyers immediately. In the event such notification is not received by the sellers within the thirty three (33) days period then this contingency shall be null and void and of no

All other terms and conditions of the Contract shall remain the same and in full force and effect.

Thichel Confian De

This form has been prepared for the sole use of the following Boards of REALTORS® and their members. Each Board, its members and employees, assume no responsibility if this form fails to protect the interests of any party. Each party should secure its own legal, tax, financial or other advice. The Greater Baltimore Board of REALTORS®, Inc. Harford County Board of REALTORS®, Inc. Carroll County Board of REALTORS®, Inc. Howard County Board of REALTORS®, Inc.

#7907 #T007

THIS DEED, Made this Sith day of June, in the year n hundred and eighty-eight, by and between JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, of Baltimore County, State of Maryland, parties of the first part, and JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable consideration, the actual consideration paid in connection with this conveyance being ZERO DOLLARS (\$0.00), this day paid, the receipt whereof is hereby acknowledged, the said JOSEPH M. O' NEILL and MARY ANNE O'NEILL, his wife, do grant and convey unto the said JOSEPH M. O'NEILL and MARY ANNE O'NEILL his wife, , as tenants by the entireties, their personal representatives and assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in the 6th Election District of Baltimore County, State of Maryland, and more particularly described in Exhibit "A", attached hereto and made a part hereof.

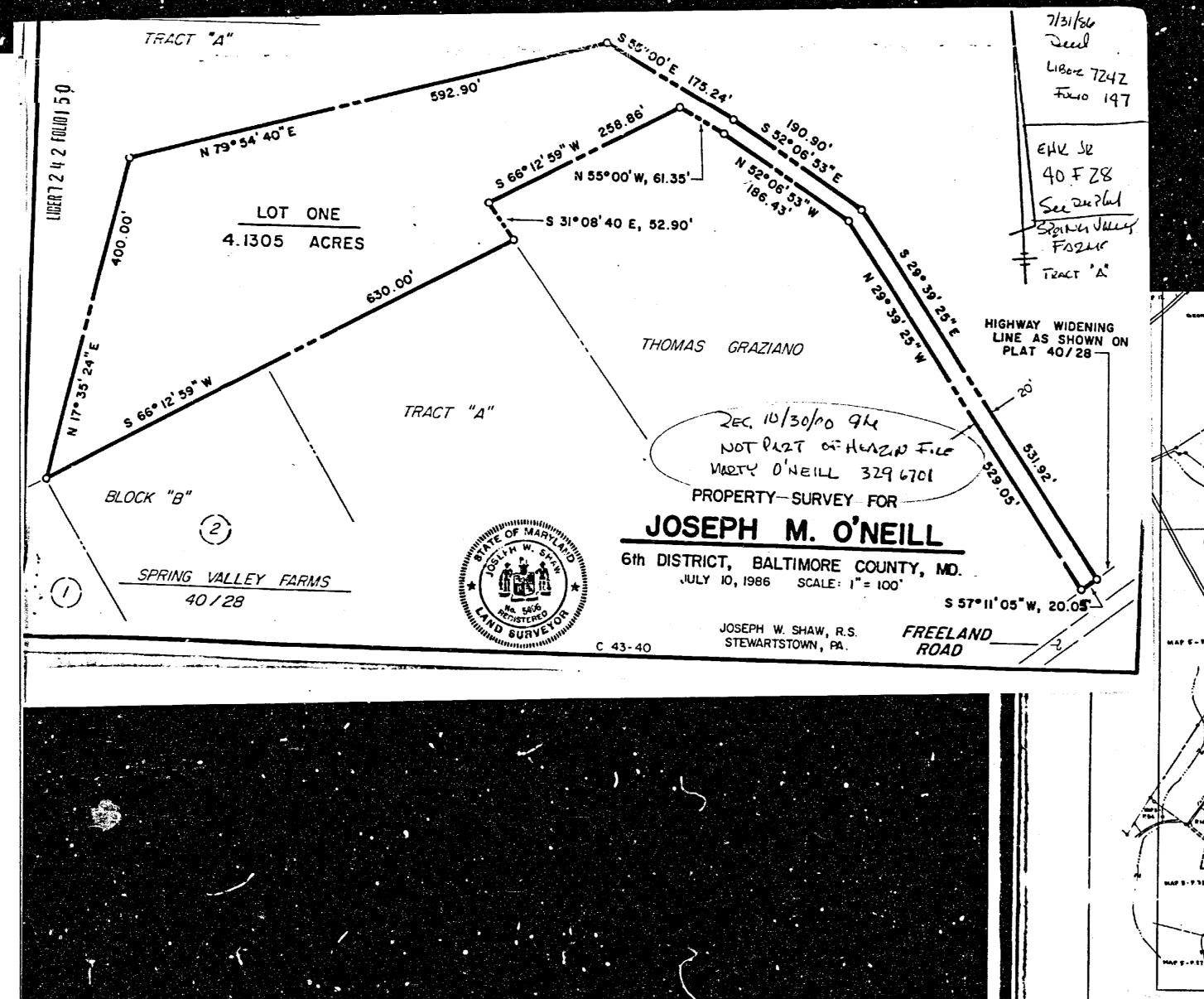
BEING a portion of the property which by Confirmatory Deed dated June 27, 1978 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 5903, folio 337 was granted and conveyed by Lizzetta M. Bedgar unto the said Joseph M. O'Neill and Mary Anne O'Neill, his wife, in fee simple.

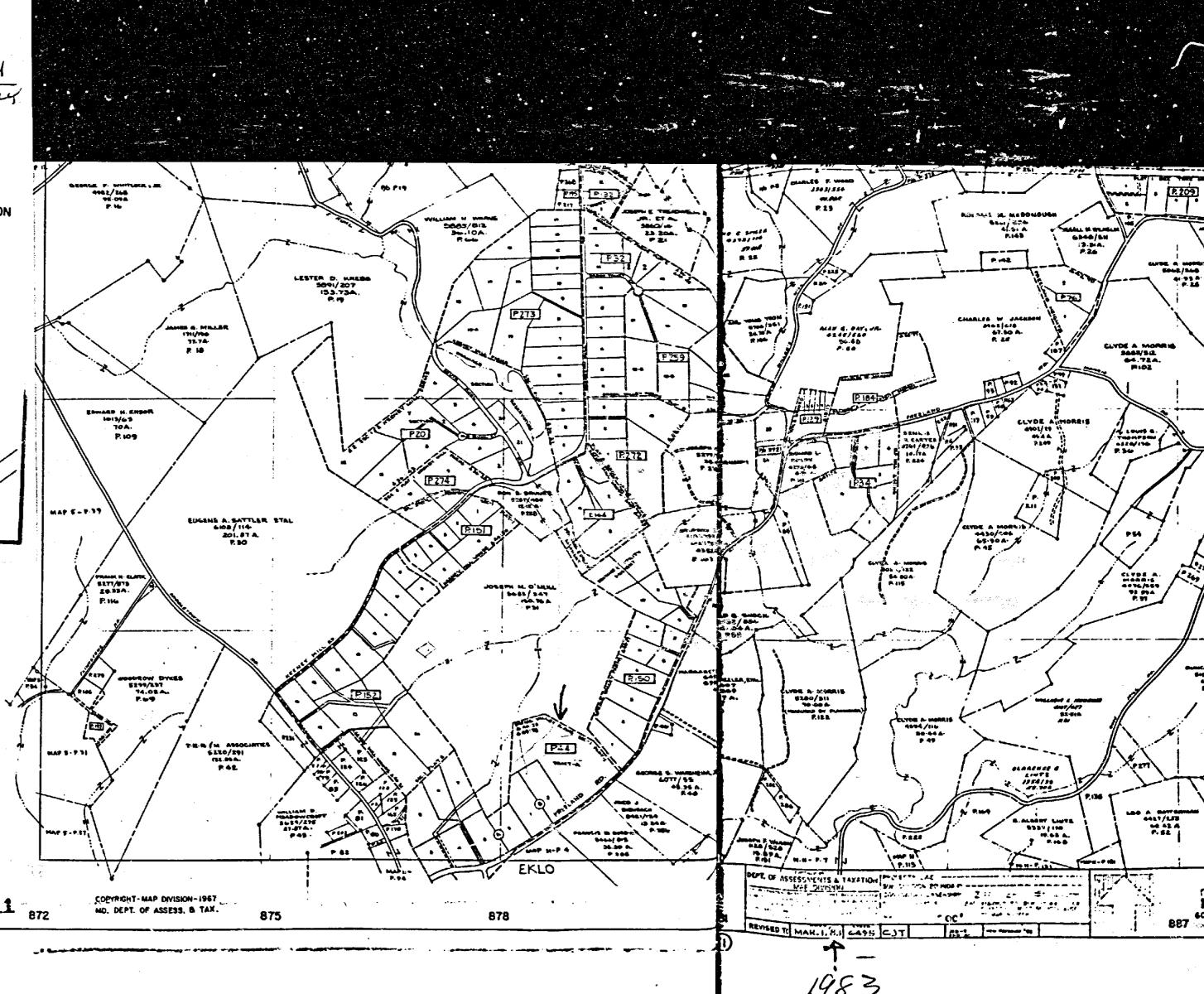
SUBJECT to the legal operation and effect of the following: (1.) Mortgage dated June 30, 1983 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6550, folio 372, from Joseph M. O'Neill and Mary Anne O'Neill, his wife, to The Federal Land Bank of Baltimore, and (2.) Mortgage dated May 28, 1986 and recorded as aforesaid in Liber E.H.K. Jr. No. 7168, folio 369 from Joseph M. O'Neill and Mary Anne O'Neill, his wife, to Westminster Bank and Trust Company of Carroll County.

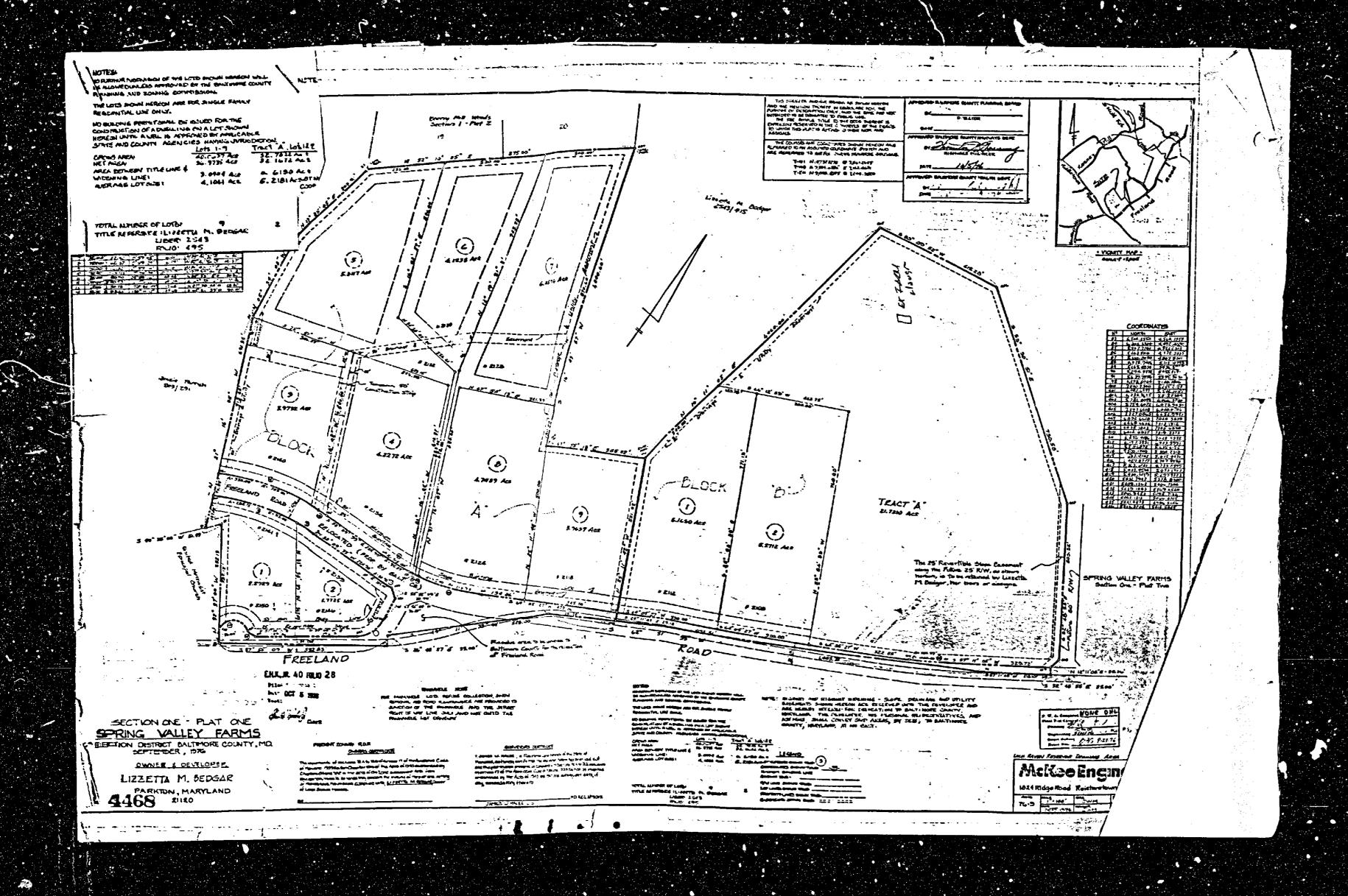
TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Militaire County 10 43/83

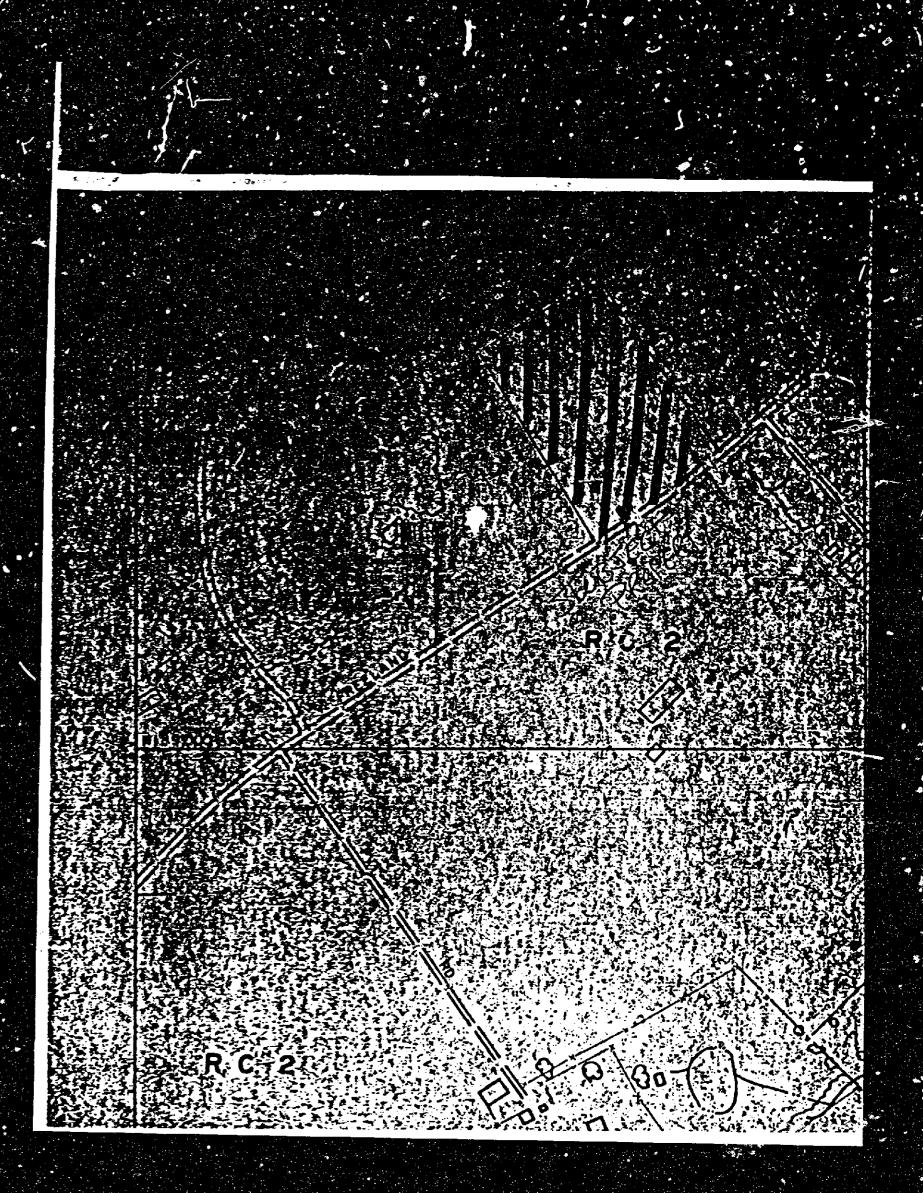
For blow of Colher AGRICULTURAL TRANSFER TAX NOT APPLICABLE

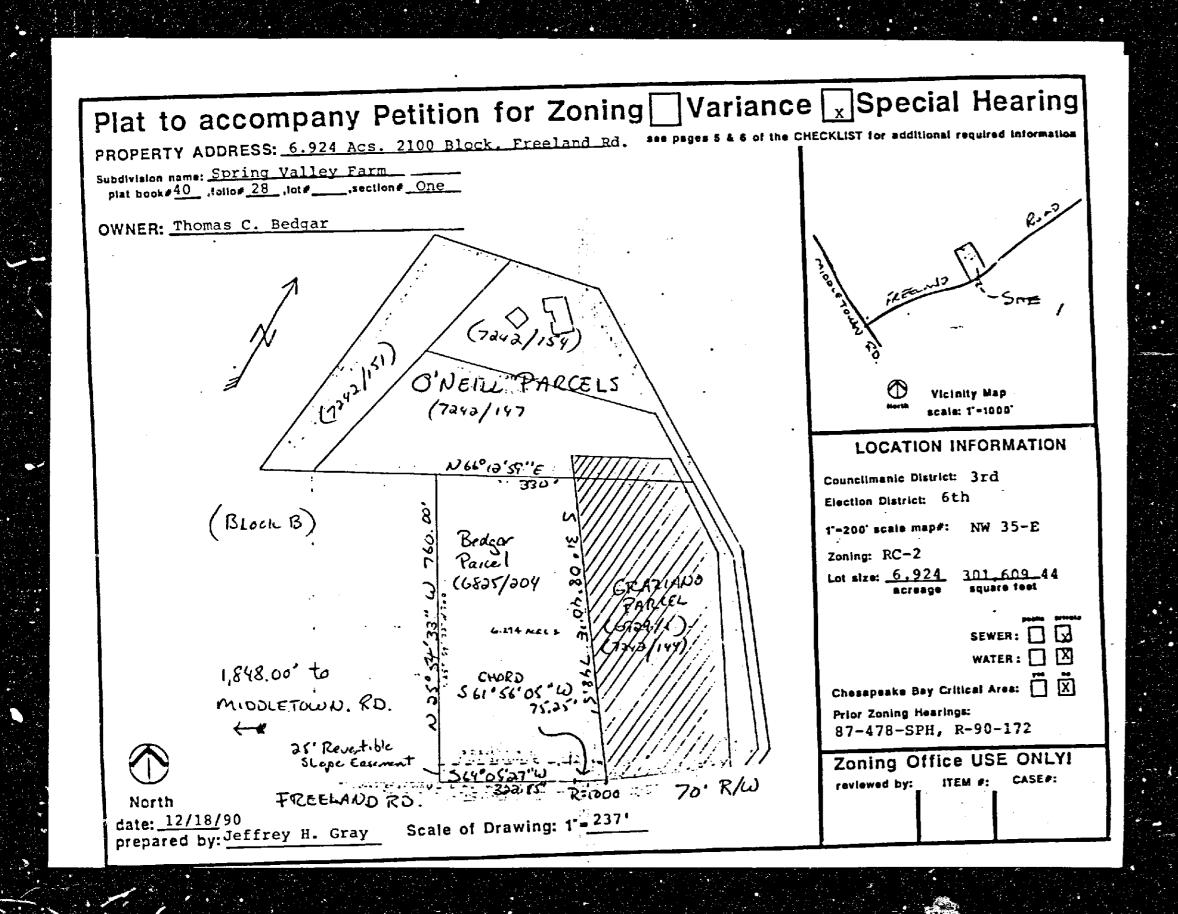


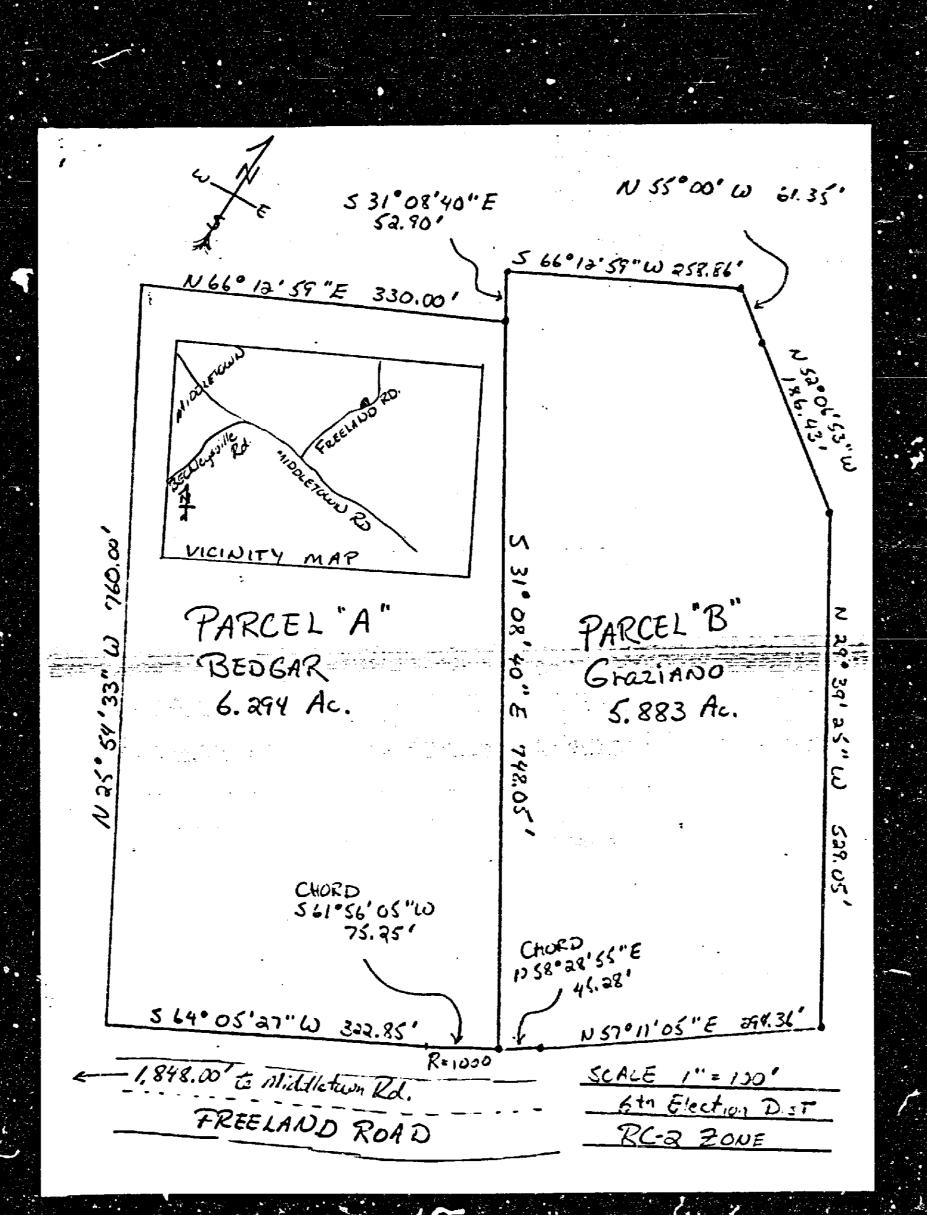


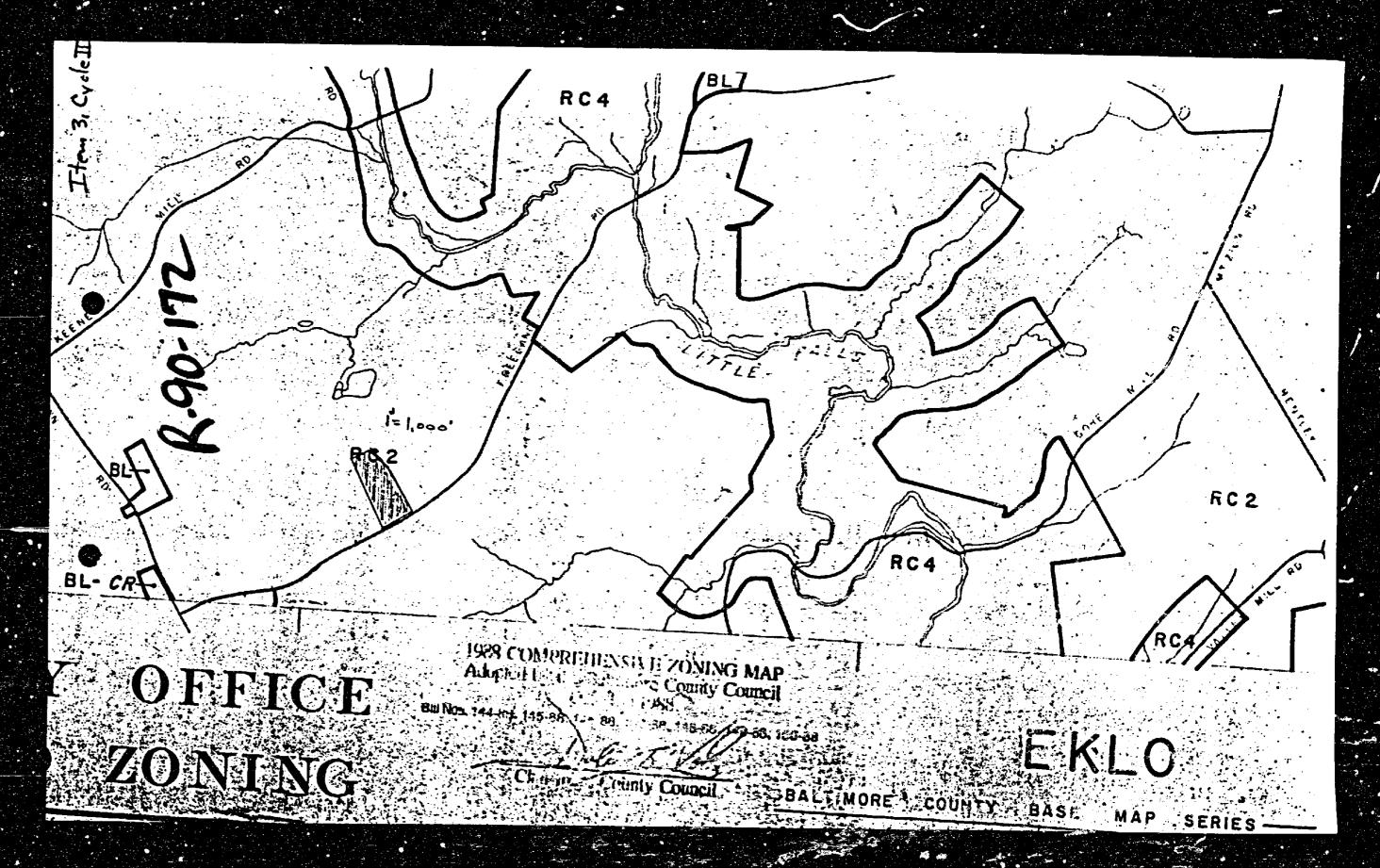


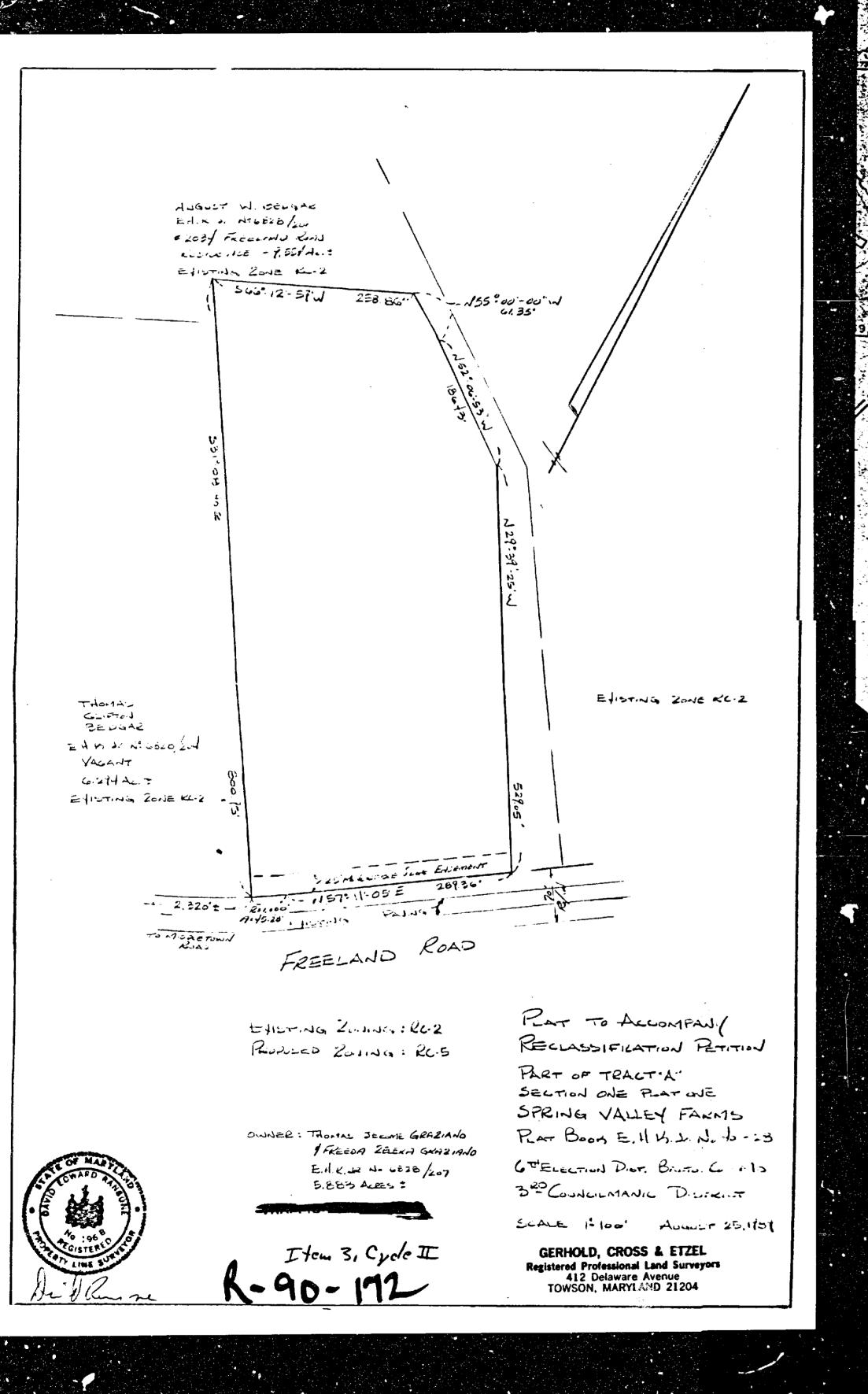


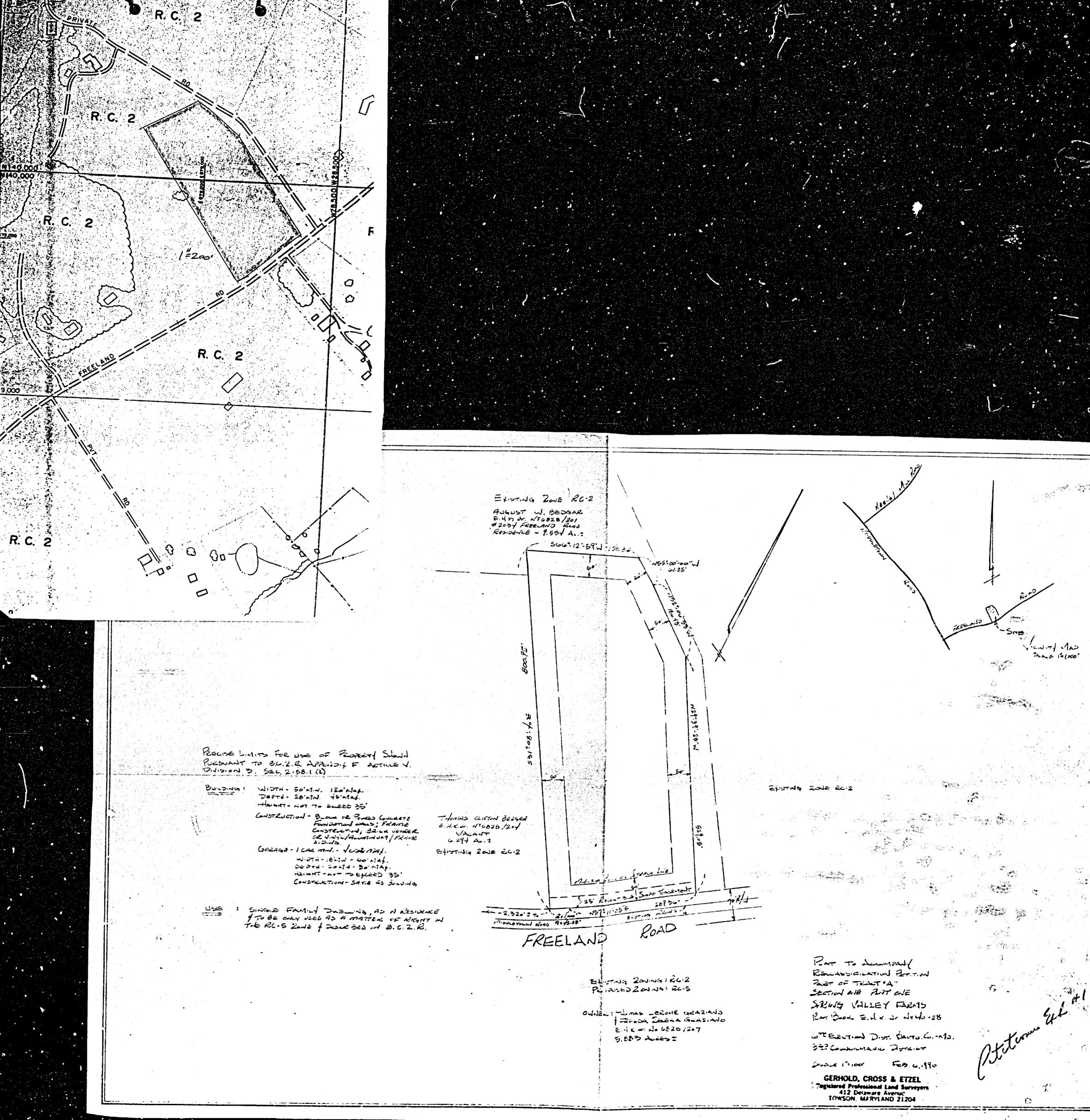




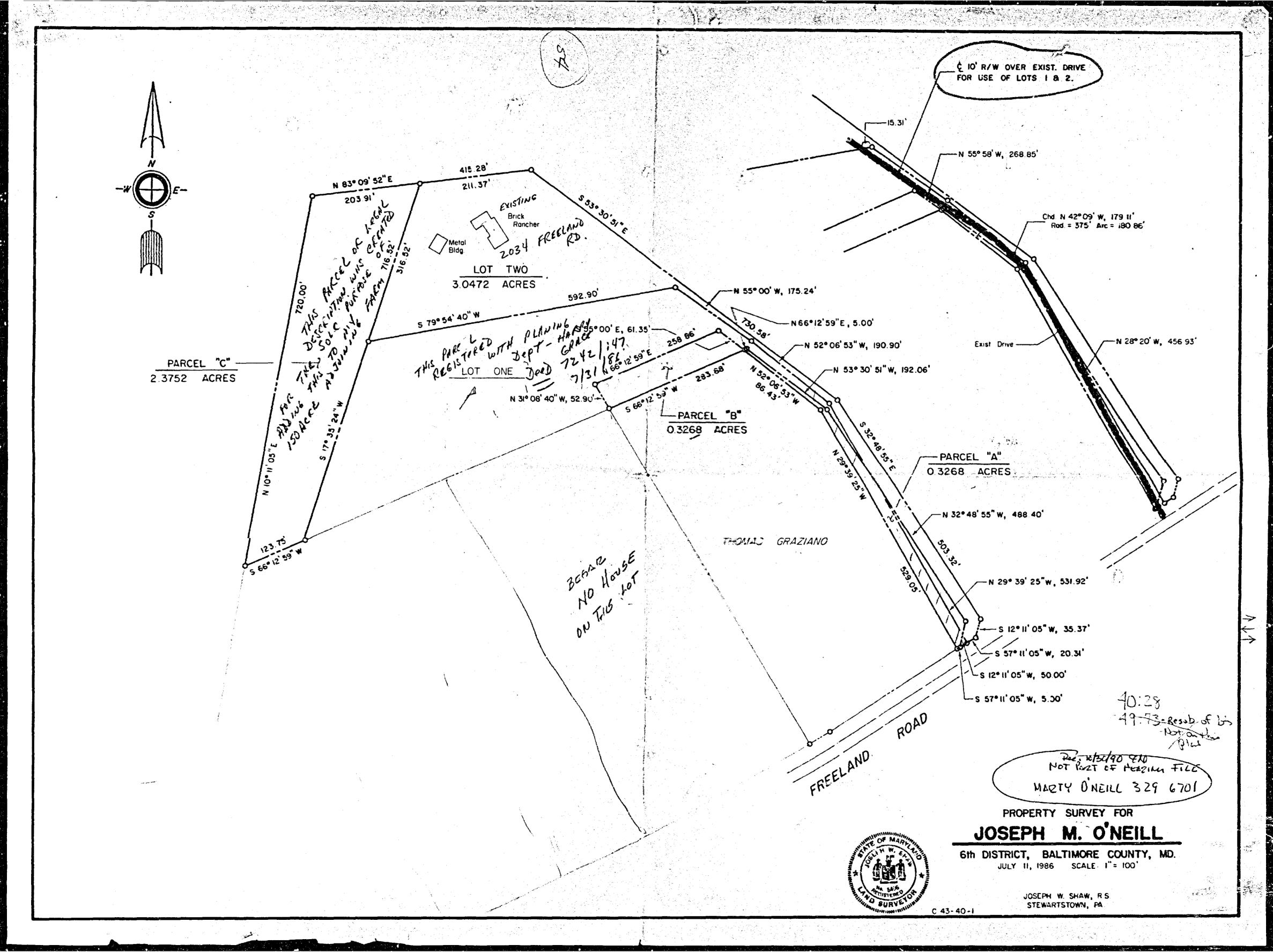








11 C



CERTIFICATE OF POSTENG R90-172 Date of Posting 2-27-90 Posted for:

Petitioner: Themes J. & Freda & Grazisino

Location of property NW/S of Fredank Poul, 2320' NE of

Totaletourn Road

Location of Sugar NW side of Fredand Good in front

of subject property · \$138.25

Petition for Zoning Reclassification Case number: R-80-172 NN'S Freeland Flood, 2,32 NE of Middelown Rond 6th Election District 3rd Councilments Legal Owner(s): Thomas J. & Freeda Z. 552 degrees 06 minutes 53 sec-onds West 186.43 teet, North 55 degrees 00 minutes West 61.35 feet, South 66 degrees 12 minutes 59 seconds vives cool-order feet and South 31 degrees 08 minutes 40 seconds East 800.95 feet to the place of beginning. Containing 5.883 Acres of land Petition to reclassify the property from an R.C. 2 to an R.C. 5 INE: 10:00 A.M. DATE: Wed., March 21, 1990 LOCATION: RM. 301, County Office Building, 111 W. WILLIAM T. HACKETT,

County Board Board of Appeals
I/T 2:363 February 22.

situate, lying and being in the Sodh Election District of Balti-more County, State of Meryland Cogiming for the same at a point ailuste on the northwest side of Freeland Road, said point CERTIFICATE OF PUBLICATION rowson, MD. Februssy 22, 1990 menutes 40 seconds East 800.95 feet to the place of beginning.
Containing 5.863 Acres of land more or less.
Petition to reclassify the property from an R.C. 2 to an R.C. 5 and published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_\_ successive weeks, the first publication appear-TIME: 10:00 A.M. ing on February 22, 1990

5. Zuie Orlan

\$685.56

CERTIFICATE OF PUBLICATION

Morrober 2 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov / 1987.

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Lete Orkon

MOTICE CF NEATHER!

Petition for Zening
Pacturality. Sun
Corre member: M-08-172
NW-5 Freeland Road, 2.320'
NE of Mixidestum Road
8th Election District
Srd Courcelmenic
Legal Owner(s):
Thomas J. & Freeda Z.
Grazieno
Zoning Description
All that pace or percel of land

County Board Board of Appeals &Y 2363 February 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Februiny 22, 1990 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published In Towson, Baltimore County, Md., once in each of \_\_\_ successive weeks, the first publication appearing on Heb 22, 1990.

5. Zahe Orlan

CERTIFICATE OF PUBLICATION

Pikesville, Md., Nov. 8 19 89 THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Naryland before the 7th day of

the first publication appearing on the 9th day of 71cv .1987 the second publication appearing on the

\_\_\_day of \_ the third publication appearing on the

THE PROPERTY OF THE PROPERTY O

Accounty Milliances, A 2 mellion warm you shall secure and message. A 2 mellion warm you shall secure and message. We define warm you belief describe improveder, in a meanty warm you belief

distributed, as a state of the state of the

company controls and controls a

THE NORTHWEST STAR

Cost of Advertisement \$400 -

P.O.# 0018440

\$2,978.64

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dovember 10, 19 88

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 2 successive

weeks, the first publication appearing on 720-2.1989.

AHE JEFFERSONIAN

SECURITY STANDARDS . INTERNAL OF SLASSING MID STANDS OFFI

METRIC CHEMINITIS . SEAL-AND MONTHLY METRIC CHEMINISM . GUYLOL MAN. METRIC CHEMINISM . GUYLOL MAN.

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PC STREET, 40.4 SP

MICHAEL LENGTH

(BLE DESS), (CASE SPE)

PO 18442 29 H 39297

THURSCAY, NOVEMBER 2, 1989-SEC. C-PAGE 1

LOCATIONS OF PROPERTIES UNDER PETITION

# BALTIMORE COUNTY, MARYLAND

FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1989 APRIL, 1990 ZONING RECLASSIFICATION CYCLE II

NORTHERN

WESTERN SECTOR 1. Property Currer: Pareters Mill Versions Jack Boyde, Myr. Part. Cane No. Hearing Date: R-90-170; March 7, 1996 Location: \$/5 Red Aun Boulevard, 2,061° E coreptine Owings Main Bivd. (10375 Red Run Bivd.) Employ Zorong B M. -- CT Election (Defect 4th Counciliance Desiret: 34 Preprint Zonne SM -- CSA NORTHERN SECTOR 2. Preparty Currer: Caves Farm Investment Company Case No. Ateating Date. CR-90-171; March 14, 1950 Contract Purchaser Garreon Forest Corporation Lacasses: NW-S Caves Road, 500' NE of Baronet Road Existing Zarwag: R.C. -- 2 Decision Deprot: 4th Crumatment Desirat 34 Proposed Zonery: A.C. — 5 2. Preparty Currer: Thomas J. & Freede Z. Graziero Case Mo. Hearing Date: R-80-172; March 21, 1990 Correct Application Escation: MW-5 Fresiend Rd, 2,320' NE of Middletown Rd Emiry Zong, R.C. — 8 Persion Detect, Sile reference District 3rd Cree: \$ 843 Proposed Zimbry: R.C. ... \$ CENTRAL SECTOR 4. Preparty Chandr: Dichae Howard Goodman Case No. Pleasing Cols: R-90-173; March 27, 1990 Contract Purchaser: ----Lecuson: NE'S Thoman Mill Road. 1400 MW contenting York A Emming Zonung: PLC. — 4 TOUCHON CHARLES BON

Councins out Detect 3rd Proposed Zoning: D.R. - 10.5 Property Owner Felix L. Daugnilla, et us Com No Atenany Date: CR-90-174; April 4, 1990 Leceboa: N/S Conder Road, 185 2' E at contenting of York Ful. (#2 Cinder Road)

Exercise Coverage D.P. - 5.5 Election Destroit 6th Countriesis Dietect 40 Proposed Zoney: B.R. or B.L. 5. Property Corner: George P. Karageorgos Case No. Pleasing Date: R-80-175: April 16, 1990 Laceton: SEiger York Road & Heddington Rul. (1623 Yest Road A Quinty Bridge Electron Destroit (M)

EASTERN SECTOR Properly Owner: Ma Life Pastership Coto II, Hearing Date: R-85-176, April 16, 1907 Lacates HAVE Beter Road, 646' ME of contacting of E-10 per 201-11

Aprel: 8.198

Acres 20 206

Proposed Zerang, B.L.

Case No Alearing Cale R 90-177; April 24, 1990 Contract Purchaser: Task Ferca Group Limited Location HW/S Marks Avenue, 665' NE of contenting of Emerg Zonny DR -55 Electron District. 14th Councilmant Dated Str. Acres \$ 154 Proposed Zanny B.R. S Property Owner, George J. Gusterberger, at us. Case No Atoming Date III 90 1761A May 2, 191 Contract Purchaser. E-ming Zoung DA - 16 Election Digital 15th

8. Property Owner: Charles G. & Marine Deaver, J.

Promisso James B.R. & Special Exception for contract adopt strongs part & Vandercon to Section 237 1, 16 bound a pind half support of 3 g as just by required 25 B., Section 230 Z. to primit a selected surbots of 17 E or has of the required 36 E and \$ only parameters of 1.5 ft in less of the systemat 30 ft; Section 238.3 date Section 400 Variations & 230 4, to possel Monthly of educate transmit in administration  $\hat{\mathbf{R}}$  of the tops project ton in the of the C-queed 10  $\hat{\mathbf{R}}$ Ann Section 406 6.6.2. In John Serling & Dropmage ID to helicate out mades and place or key of the remarks priory. Section 400 8  $\Delta$  & to point at parties mer to be propose and Section 450 S.A.4 to possed parting 6.5. Sum the street right of only or has of

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY AND
P. DAVID FIELDS
DIRECTOR OF PLANNING AND ZONING -----

Reduced Copy of Ald sen in Jeffersonian on 11.2-89 and 11-9-89.

BALTIMORE COUNTY, MARYLAND

# TA MATATATA

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1989 — APRIL, 1990 ZONING RECLASSIFICATION CYCLE II

LOCATIONS OF PROPERTIES UNDER PETITION

WESTERN SECTOR 1. Properly Owner: Pareters Mil Verburo Jack Bayen, My Part Case No.Atearing Date, R-90-170, Morch 7, 1990 Location: S/S Red Run Boutemark, 2:051" E Contains Owings Mills Bird. [1837] Park Flore Bird.] Existing Zoning, B.M. — C.T. Councilment: Deline: 34 Acres: 1.8501 Proposed Zoning B.M. - C.S.A. NORTHERN SECTOR 2. Property Owner: Cause Farm Investment Company Case No. Hearing Date CR-90-171, March 14, 1990 Contract Purchaser: Garrison Forest Corporation Location, NW/S Cares Road, 500 NE of Barenet Road ME of Garmson Forest Road Emeting Zoning A.C. — 2 Election Distinct, 4th Councilments Desires: 3rd ACTOR 63.50 Proposed 2 was R.C. - 5 3. Properly Owner: Thomas J. & Freeds Z. Grahane Cose No. Hearing Date: Pl-90-172, March 21, 1990

AND USE T

Contract Purchaser: ----Location; NWS Freehand Full 2.320" NE of Middletown Ry Emstring Zurang: R.C. -- 2 Electron District: 6th Councimunic District: 3rd

CENTRAL SECTOR

Councilment Dated: 34

Proposed Zoning, R.C. --

ACTOR S MAS

i. Properly Owner: Dickee Howard Goodman Case No. Financy Date R-90-173, Merch 27, 1990 Contract Purchaser: -----Location, NE'S Thomson Mill Road 2.400 NW contenting York Re Exemp Zoning R.C. -- 4 Election Destruct (tea.

Acres: 80 145 Proposed Zoning D.R. -- 105 \$ Property Owner: Falm (. Designalis, et et Case No Alsering Date CR-80-174, April 4, 1990 Location: N-S Conduc Road, 185 2' E of contents of York Rd. (#2 Cinder Road Emaing Zonny DR - 5.5 Election Debict: 8th

Proposed Zenny BR or BL 6. Property Owner: George P. Karagassigos Case No. Heaving Date. R 80-175, April 16, 1907 Location: SEctor York Road & Haddington Employ Zonay A O. Election Change, Std. Councilments (Dutrett 45) Acres: 8 198

EASTERN SECTOR

Programmed Darway Bill.

Acres: 0.229

7. Properly Junes Males Partnership by E Sout Magn Cose No Pressing Date IR 60-176; April 16, 196 Leceben 1995 Beter Read, 440 ME of contenting of Pully HE Are ("Ferry Hate" Passes E- 80 pm5 pm5 Concessions Desires de

Cose No Printing Date 8-99-177, April 24, 1900 Series Purchaser Yang Source Council LACATION NAME AND ADDRESS OF AN ADDRESS OF Entire Journe DR -- 55 Electron (Deposit 140) Conscious Dance on Acres 9 484 With David Streetby B Property Compr. Grange J. Guitardamper, et an Case to Ferry Case & 49-1794A, No. 2, 1988 erred fundings .......

8 Property Course Charles C & Mantes Dearer, &

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Proposed Zarung & R. & Suscool Exception for contractor equip storage part & Vangnoss to Became 236.1, to parent a trans yard netback of 3 ft to fee of the sequined 25 R ; Section 230.2, to permit a order yand solvect of 17 ft. in how of the required 30 ft. and a rear yard softent of 1 S R. in law of the required 20 R.; achen 238 3 (see Section 400 Variances) & 236 4, to passed 👉 torage of unbector, materials or equipment under \$ ) of the heat property thro in hos of the required 10 & Also Section 409 8 A.Z. to above parling & diversitys to be furfaced with enabler has place in few of the . commend printing. Secretary 400 (I A.S. to portral all pastery) nel to be steped, and Seaton 400 8 A 6 to parent parting 8 ft from the street ages of way in late of

#42TIMORE COUNTY OFFICE OF PLANNING & ZONING

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF WILLIAM HACKETT, CHAIRNAN, COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY AND P. DAVID FIELDS DIRECTOR OF PLANNING AND ZONING

Copy of All ran in NE Times Reporter Brister on 11-2-89.